

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RONALD JEFFREY PRIBLE,  
Petitioner,

VS.

LORIE DAVIS,  
Respondent.

)  
)  
)  
) CIVIL ACTION NO.  
) 4:09-CV-1896  
)  
) 10:00 A.M.  
)  
)

EVIDENTIARY HEARING  
BEFORE THE HONORABLE KEITH P. ELLISON  
APRIL 29, 2019  
VOLUME 1

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1 (Call to Order of the Court.)

10:00:45 2 **THE COURT:** Thank you. Please be seated.

10:00:45 3 Good morning, everyone, and welcome.

10:00:47 4 We'll turn to Prible versus Thaler, and we'll take  
5 appearances of counsel beginning with the petitioner.

10:00:54 6 **MS. SCARDINO:** Your Honor, Gretchen Scardino for  
7 petitioner, Ronald Jeffrey Prible.

10:01:00 8 **MR. RYTTING:** James Rytting for petitioner.

10:01:00 9 **THE COURT:** Thank you.

10:01:01 10 **MS. MIRANDA:** Tina Miranda for the director,  
11 Your Honor.

10:01:04 12 **MR. D'HEMECOURT:** George d'Hemecourt for the director.

10:01:06 13 **THE COURT:** Thank you-all very much for your  
14 attendance.

10:01:08 15 Has anybody heard from Ms. Siegler?

10:01:11 16 **MS. MIRANDA:** Yes, Your Honor. I reached out to her  
17 via e-mail to inform her, as you instructed in your hearing,  
18 that you were anticipating that she would show up and that you  
19 were disappointed that she wouldn't be here and that you  
20 expected her to be here, and she responded and just said that  
21 she would be out of town until late May.

10:01:29 22 **THE COURT:** Well, she knows how to deal with a problem  
23 like that. You file a motion with the Court explaining  
24 unavailability, and then we generate options about how we deal  
25 with that, whether we have a video interview or Skype or

1 whatever. I mean, the fact somebody's out of town is no longer  
2 an all-purpose excuse for not being available.

10:01:51 3 **MS. MIRANDA:** Absolutely, Your Honor. I'm not  
4 disputing that that is the proper course of action or that that  
5 is the way that you would handle it. All I can do is just come  
6 to the Court and represent --

10:01:59 7 **THE COURT:** Is there a reason -- is it a family  
8 medical problem?

10:02:02 9 **MS. MIRANDA:** As far as her being out of town?

10:02:04 10 **THE COURT:** Her unavailability.

10:02:05 11 **MS. MIRANDA:** No. I don't believe that --

10:02:07 12 **THE COURT:** Is it her television --

10:02:08 13 **MS. MIRANDA:** I do believe that would be correct. I  
14 mean, she didn't mention that in her e-mail, but based on past  
15 conversations, I do believe that she's out of town for her TV  
16 show.

10:02:25 17 **THE COURT:** I wish she would cover this case on her  
18 TV show and explain to the nation why she couldn't be present.

10:02:30 19 **MS. MIRANDA:** Your Honor, I understand your  
20 disappointment, and all I can do, on behalf of the director, is  
21 to just express what my communications are with her, that -- I  
22 mean, we communicated to her that there would be a hearing. We  
23 communicated that we anticipated that she would testify, and  
24 that's the response that we received from her.

10:02:49 25 **THE COURT:** Well, I don't have much choice but to

1 assume that her testimony would have been unfavorable to the  
2 director.

10:03:00 3 **MS. MIRANDA:** Well, Your Honor, we do have her  
4 deposition testimony, and, typically, in a federal habeas case,  
5 if a witness is unavailable, the deposition is what you go to,  
6 to look at.

10:03:08 7 **THE COURT:** The deposition provided an opportunity to  
8 ask Ms. Siegler questions at the time. It did not provide me  
9 with a chance to ask her any questions, and a lot has happened  
10 since the deposition. We have a lot more information about this  
11 case since the deposition. A deposition's not a satisfactory  
12 alternative to her showing up for this hearing.

10:03:32 13 Does the government -- does the petitioner wish to say  
14 anything?

10:03:36 15 **MS. SCARDINO:** No, Your Honor, other than we agree  
16 with you and wish that she would have been here. We attempted  
17 to serve her and were unsuccessful. So we are prepared today in  
18 the event that she showed up. Alternatively, we just have her  
19 deposition testimony, but that's all --

10:03:54 20 **THE COURT:** Okay.

10:03:55 21 **MS. SCARDINO:** -- I know to do.

10:03:56 22 **THE COURT:** Moving on from that temporarily, have you  
23 discussed among yourselves how you wish to proceed?

10:04:04 24 **MS. SCARDINO:** Yes. Yes, Your Honor. Many of our  
25 witnesses are going to be called by videotape deposition

1 testimony. We have two live witnesses that are here this  
2 morning to be called, and so I -- I assume that you would want  
3 to see the depositions in the courtroom, but I don't -- if you want --

10:04:19 4 **THE COURT:** Yes. I want to see them in the courtroom,  
5 yes.

10:04:22 6 **MS. SCARDINO:** Okay.

10:04:22 7 **THE COURT:** As opposed to what, just reading them?

10:04:25 8 **MS. SCARDINO:** No, no, no. Just as opposed to if you  
9 wanted to view them in chambers at a later time.

10:04:30 10 **THE COURT:** No. I want to see them now.

10:04:30 11 **MS. SCARDINO:** Okay.

10:04:31 12 **THE COURT:** You want to start with those?

10:04:32 13 **MS. SCARDINO:** Your Honor, actually, we would like to  
14 start with our first -- I have an opening statement, briefly, if  
15 I could have that.

10:04:37 16 **THE COURT:** Okay. That's fine.

10:04:38 17 Is that agreeable, to start with opening statements?

10:04:41 18 **MS. MIRANDA:** Sure, Your Honor.

10:04:42 19 **MS. SCARDINO:** Okay.

10:04:43 20 **THE COURT:** Okay.

10:05:22 21 **MS. SCARDINO:** Your Honor, as you'll recall, the  
22 murder of the Herrera/Tirado family happened 20 years ago --

10:05:27 23 **THE COURT:** Yes.

10:05:27 24 **MS. SCARDINO:** -- in April 1999. Nilda Tirado and  
25 Steve Herrera were shot execution style in their home. Their

1 house was set on fire, and their three children died of smoke  
2 inhalation.

10:05:37 3 Jeff Prible was a friend of Mr. Herrera and  
4 Ms. Tirado, and he emerged as a suspect because he had been at  
5 their house earlier that night and because people told the  
6 police that he had been robbing banks to fund a business venture  
7 with Mr. Herrera.

10:05:53 8 **THE COURT:** Could you move the mic a little closer to  
9 you --

10:05:55 10 **MS. SCARDINO:** I'm sorry. Yes.

10:05:55 11 **THE COURT:** -- or move yourself closer -- okay. That  
12 would be good.

10:05:58 13 **MS. SCARDINO:** Okay.

10:05:59 14 Hours after the murders, Jeff went to the police  
15 station, was extensively photographed, and no wounds, burns or  
16 suspicious marks of any kind were found on him. He signed a  
17 voluntary consent to search his room and his car. He gave his  
18 clothes and shoes to be tested for bloodstains, fire accelerant,  
19 trace evidence. Nothing was found.

10:06:21 20 The police ordered all evidence recovered from the  
21 Herrera house to be sent for fingerprint testing. None of the  
22 prints turned out to be Mr. Prible's. This was a very messy  
23 crime scene, yet nothing, no blood, no gasoline, no other fire  
24 accelerant, no singe marks, no skin irritations, no soot, no  
25 smoke was found on Mr. Prible's bodies, clothes or shoes, and he



1 gave two statements to the police within hours of the murders.

10:06:47 2 In the first statement, he said that he had been at  
3 their house the night before and that Steve Herrera had dropped  
4 him off at his house early that morning. He also gave a second  
5 statement saying that he and Ms. Tirado had engaged in  
6 consensual oral sex that night. He voluntarily provided a DNA  
7 sample to the police.

10:07:11 8 Forensic testing was completed within a couple of  
9 weeks, and a microscopic amount of Mr. Prible's DNA was found in  
10 Ms. Tirado's mouth consistent with his statement. An alibi  
11 witness, who was a next-door neighbor of Mr. Prible's, came  
12 forward, and she said that she looked out of her window in the  
13 middle of the night and saw Steve Herrera dropping Jeff off at  
14 home prior to the murders, corroborating Jeff's statement to the  
15 police.

10:07:34 16 No one was charged in the murders in 1999, and the  
17 case went cold. And it is important to note that within six  
18 weeks of the April 1999 murders, the state had developed all of  
19 the evidence that it would eventually introduce against  
20 Mr. Prible at trial except for the testimony of a jailhouse  
21 informant.

10:07:54 22 This jailhouse informant popped up after Kelly Siegler  
23 took over the case two years later in the spring of 2001. We  
24 know from a fax in the DA's file that Ms. Siegler and her  
25 investigator, Johnny Bonds, had the Prible case on their radar

1 at least by March 1st, 2001, and they needed to act quickly on  
2 it because the prime suspect, Mr. Prible, was set to be released  
3 later that year from the federal prison in Beaumont, where he  
4 had been living since pleading guilty to the bank robberies back  
5 in 1999.

10:08:31 6 And as Ms. Siegler was looking through the case file,  
7 she jotted down what she referred to in her deposition as some  
8 initial "to-dos" and "random thoughts." And those were,  
9 "defendant in Beaumont pen, potential federal prison  
10 roommate" --

10:08:45 11 **THE COURT:** "Potential federal prison..."

10:08:47 12 **MS. SCARDINO:** Prison roommate.

10:08:49 13 **THE COURT:** Roommate. I'm sorry.

10:08:50 14 **MS. SCARDINO:** Yes, Your Honor.

10:08:50 15 And as she's contemplating a potential federal prison  
16 roommate for Mr. Prible, on April 4th, 2001, one of her old  
17 informants from a previous murder case writes her a letter. The  
18 informant's name is Jesse Moreno, and this is a very fortuitous  
19 letter because Jesse happens to be in prison in FCI Beaumont,  
20 the same federal prison as Mr. Prible.

10:09:14 21 Moreno writes that he has information that would be  
22 helpful to her on an unsolved murder case, and he would be  
23 willing to help her out if he could be assured to get a little  
24 credit for his efforts. He tells her he's in the hole, so she  
25 would need to call the prison to speak with him. So Siegler

1 gets in touch with Moreno, and they make plans to meet in prison  
2 in person.

10:09:35 3 On July 3rd, 2001, Ms. Siegler met with Jesse Moreno  
4 at the federal detention center in Beaumont. She recorded part  
5 of the meeting, and Moreno tells her about his friend, Nathan  
6 Foreman, who's also in the hole. Moreno says that a prisoner  
7 named Hermelio Herrero has made a murder confession to him,  
8 Foreman, and another inmate named Rafael Dominguez.

10:09:57 9 *(Audio played as follows.)*

10 "JM: Well, right before, about, we had the riot in  
11 '99 of December at the Medium. So like the beginning  
12 of December, there was three of us there. There was  
13 me, him, ah, Dominguez -- Ralph Dominguez, and ah, ah,  
14 Nathan Foreman, the one that I was asking you about,  
15 were sitting in the middle of the compound talking,  
16 you know, and all the guys from Houston in prison,  
17 you know, Houston (UI)...

18 KS: Who was there when he said that to you that day,  
19 the first time you heard it?

20 JM: Ah, Dominguez and -- and Nathan Foreman.

21 KS: Okay. What is Dominguez's whole name?

22 JM: Raphael Dominguez.

23 KS: And he's here -- he was in Beaumont Medium, too,  
24 at the time?

25 JM: Yeah.

1 KS: Where is he now?

2 JM: He's still in Beaumont. See, when I was in the  
3 hole, he went -- he got in the hole first and charged  
4 something, right, so (UI) he got in the hole and  
5 tells me.

6 KS: Dominguez?

7 JM: Yeah, Dominguez. I know Dominguez -- we went to  
8 school together, too. We all from the neighborhood.

9 KS: Okay. And who was the other guy there? Nathan  
10 Foreman?

11 JM: Nathan Foreman. He...

12 KS: Is he from Houston?

13 JM: Yeah. We're all from Houston.

14 KS: Beaumont Medium, too?

15 JM: Yeah. He's in the hole, and, ah, Raphael  
16 Dominguez is on the compound.

17 KS: Okay. So in the hole, does that mean in Liberty,  
18 too?

19 JM: No, he's. No, they're both in Beaumont.

20 KS/JM: Beaumont Medium.

21 JM: Yeah.

22 KS: Okay. How do you spell Foreman's last -- last  
23 name?

24 JM: Foreman.

25 KS: F-O-R-E-M-A-N?

1 JM: Yeah.

2 KS: White guy?

3 JM: Black guy.

4 KS: Black guy. How old is he?

5 JM: 35.

6 KS: Okay."

10:11:27 7 **MS. SCARDINO:** And during this conversation,  
8 Ms. Siegler and Moreno also discussed how the point system in  
9 federal prison works and how, based on your points, you move  
10 between various security levels in the prison.

10:11:38 11 *(Audio played as follows.)*

10:11:41 12 "JM: Yeah. I was -- I was at the High, right across  
10:11:41 13 the street. I'm at the Medium. They got High,  
10:11:41 14 Medium and Low.

10:11:41 15 KS: Yeah, I had just found that out. What's the  
10:11:41 16 difference?

10:11:41 17 JM: It's higher security.

10:11:41 18 KS: And how did you get from high to medium? What  
10:11:41 19 changed?

10:11:41 20 JM: Ah, my points (UI).

10:11:53 21 KS: Okay.

10:11:53 22 JM: My good time, and I got that detainer on that  
10:11:55 23 other murder charge.

10:11:57 24 KS: Mine?

10:11:58 25 JM: (UI).

10:11:58 1 KS: Where you were a witness?

10:11:59 2 JM: Yeah, I got it dropped off. I got it dropped.

10:12:01 3 KS: From high to medium?

10:12:03 4 JM: Yeah. So, they dropped me."

10:12:06 5 **MS. SCARDINO:** Siegler leaves the prison after the  
6 meeting, drives back to Houston, and two days later, on  
7 July 5th, 2001, accepts murder charges against Hermelio Herrero,  
8 having no evidence against him other than Moreno's confession  
9 story.

10:12:21 10 The same day, assured that she had willing informants  
11 in FCI Beaumont, she also prepared charges against Mr. Prible.  
12 Once Prible was charged with the murders, his points went up,  
13 and he was moved from the low to the medium on July 25th, 2001.  
14 That same day, Foreman was moved from the hole back into the  
15 medium's general population.

10:12:44 16 On August 8th, 2001, Siegler and Bonds met with  
17 Foreman at the prison. Foreman will testify that he was told  
18 about Prible's case by Jesse Moreno, who had heard about it from  
19 Siegler. We know about the August 8th meeting only because  
20 Your Honor found Siegler and Bonds work product notes of the  
21 meeting in 2017 during an *in camera* Brady review of their file.

10:13:08 22 And at this August 8th meeting, Foreman tells them  
23 that he had heard Prible confess to the Herrera/Tirado murders.  
24 But Siegler and Bonds will testify, and did testify at their  
25 deposition, that right away, they could tell that Foreman was

1 lying. Foreman couldn't even describe what Prible looked like,  
2 let alone give a convincing account of a confession. Siegler  
3 said at her deposition that she and Bonds walked out of that  
4 meeting not believing a word Foreman had to say, but as we will  
5 see, this did not stop Siegler from continuing to cultivate  
6 Foreman as a snitch and eventually reward him for his assistance  
7 with a Rule 35 letter to his federal prosecutor.

10:13:51 8 Siegler presented Prible's and Herrero's cases to the  
9 same grand jury on the same day, August 29th, 2001. She did not  
10 present any evidence in either case, did not present any  
11 witnesses in either case, and did not have either of the  
12 proceedings recorded. Consequently, there's no record  
13 whatsoever of what she told those two grand juries about the two  
14 cases. She walked out of the grand jury with two indictments.

10:14:19 15 Johnny Bonds will testify that he thought the new  
16 evidence they had to get the indictment against Prible was a  
17 jailhouse conform- -- confession to an informant.

10:14:29 18 And even though it was blatantly obvious to her and  
19 Bonds that Foreman was a liar, Siegler continued to communicate  
20 with him and his attorney -- his attorney about Prible's and  
21 Herrero's cases throughout the fall of 2001. On September 28th,  
22 2001, Prible was appointed counsel to represent him in the  
23 murder case.

10:14:49 24 Shortly --

10:14:49 25 **THE COURT:** By this point, the grand jury had already

1 returned an indictment?

10:14:53 2 **MS. SCARDINO:** Yes, Your Honor.

10:14:54 3 Shortly after he was appointed counsel, Siegler began  
4 talking about Prible's case with Foreman's cellmate, a convicted  
5 murderer named Michael Beckcom. Michael Beckcom had murdered a  
6 federal witness against him in a fraud case by forcing the  
7 victim into a metal toolbox, attaching a hose to the muffler of  
8 his car, and suffocating him with carbon monoxide. He was a  
9 very skilled informant who was able to finagle a very lenient  
10 ten-year sentence for capital murder by testifying against his  
11 codefendants.

10:15:28 12 According to Siegler's statements at a pretrial  
13 hearing in Prible's case, Beckcom got her name from Foreman and  
14 first called her in October 2001. According to Beckcom's  
15 deposition testimony, this is how the wheels got set in motion.

10:15:42 16 In November 2001, after getting another letter from  
17 Foreman's attorney saying that Foreman could lead them to the  
18 murder weapon, Bonds sent a fax to FCI Medium asking permission  
19 for Siegler and him to visit with Foreman face-to-face on  
20 December 10th, 2001.

10:16:02 21 A few days later, on November 26th, 2001, Siegler and  
22 Bonds sent another letter to FCI Beaumont asking to meet with  
23 Michael Beckcom "after we talk with Foreman." So on  
24 December 10th, 2001, Siegler and Bonds met with Foreman and  
25 Beckcom in back-to-back meetings at the lieutenant's office in



1 FCI Beaumont to talk about Prible's case.

10:16:28 2 We know about this meeting only because of the  
3 evidence that Your Honor found during that *in camera* Brady  
4 review. Bonds' notes from the meeting showed that Foreman's  
5 name came up while they were speaking to Beckcom. At some  
6 point, Beckcom gave Siegler and Bonds a ten-page handwritten  
7 letter describing Prible's confession, which he claimed was made  
8 to him and Foreman on November 24th, 2001.

10:16:57 9 It's hard to read this, Your Honor, but on the left it  
10 says, "November 24th." That was the day that the confession  
11 came out, and --

10:17:05 12 **THE COURT:** Whose handwriting is this?

10:17:07 13 **MS. SCARDINO:** This is Michael Beckcom's handwriting.

10:17:10 14 On that same day, November 24th, Beckcom, Foreman,  
15 Prible and their parents took a photo at visitation together, a  
16 photo which Beckcom will testify was taken in order to  
17 corroborate the date of the alleged confession. In addition to  
18 Beckcom and Foreman, there were several other informants at FCI  
19 Beaumont chomping at the bit to testify against Prible.

10:17:36 20 Letters from these informants to Kelly Siegler were  
21 not discovered until years after Prible's trial in a folder in  
22 Siegler's file marked "Work product." These other informants  
23 are featured in this photo, dated 11/11/01, 13 days before  
24 Prible's alleged confession, and the gentlemen in this  
25 photograph are, in the back row from left to right: Carl

1 Walker, Eddie Gomez, Michael Beckcom, Rafael Dominguez, and  
2 Nathan Foreman. And in the front row: Oscar Gonzalez,  
3 Mr. Prible, and Mark Martinez.

10:18:17 4 Siegler convicted Hermelio Herrero of the murder of  
5 Albert Guajardo in April 2002 and got him a life sentence.  
6 Moreno testified against him at trial. Foreman did not testify,  
7 but Siegler wrote him a Rule 35 letter anyway.

10:18:32 8 As for Moreno, she did way more than write a letter.  
9 She drove to Lafayette, Louisiana, on August 22nd, 2002, to  
10 testify in person at his Rule 35 hearing. The Court shaved  
11 77 months off of Moreno's remaining 78-month sentence. This  
12 happened two months before Mr. Prible's trial but was never  
13 revealed to Prible's counsel despite the fact that Moreno had  
14 provided Siegler with her original informant in Prible's case,  
15 Nathan Foreman.

10:19:03 16 Siegler tried Prible for capital murder in  
17 October 2002. The prosecution's theory at trial was that  
18 Beckcom had coincidentally come into contact with Prible, who  
19 confessed to him and Nathan Foreman after the three of them had  
20 become close, and that everything Beckcom knew about the murders  
21 he had learned from Prible, and Prible alone.

10:19:24 22 The prosecution further argued that the oral sex  
23 between Ms. -- Mr. Prible and Ms. Tirado could not have been  
24 consensual unless Prible somehow had, quote, magic sperm,  
25 because semen deposited in the mouth disappears almost

1 immediately. According to Siegler's closing argument, the fact  
2 that any of Prible's DNA was found in Ms. Tirado's mouth, no  
3 matter how microscopic the amount, could only mean that as soon  
4 as he ejaculated, he executed her.

10:19:56 5 But this was not the only explanation, and Ms. Siegler  
6 knew it, because she had spoken with Pam McInnis, the head of  
7 the Harris County crime lab, before Prible's trial, and  
8 Ms. McInnis had told her that semen can live in the mouth up to  
9 72 hours. This note, like others that I've mentioned, was only  
10 discovered during Your Honor's *in camera* review of Ms. Siegler's  
11 work product file.

10:20:27 12 Siegler testified at her deposition that Mr. Prible's  
13 defense attorneys got to see her entire file in this case, that  
14 it was her practice never to withhold anything from the defense,  
15 including her notes. Yet her cocounsel, Vic Wisner -- Wisner,  
16 testified he never saw any of the informant letters, never even  
17 knew any of these other informants were involved. She wants us  
18 to believe that she told Prible's defense attorney things that  
19 she hadn't even shared with her cocounsel.

10:20:56 20 Jeff Prible was convicted of capital murder and  
21 sentenced to death on October 25th, 2002. You will see Beckcom  
22 testify that Siegler led him to believe that if he testified  
23 against Prible, he would walk right out of prison. This is a  
24 far cry from what she and Beckcom led the jury to believe, that  
25 the most she could do was call or write a letter to Beckcom's

1 federal prosecutor, and that it would be completely out of her  
2 hands whether to give him a time cut or not. Beckcom did get a  
3 year off of his sentence for testifying against Prible, and he's  
4 now living as a free man in Florida with absolutely no  
5 restrictions.

10:21:33 6 **THE COURT:** A year off out of how much remaining?

10:21:35 7 **MS. SCARDINO:** I'm sorry?

10:21:36 8 **THE COURT:** He got a year off his remaining sentence  
9 out of how many months?

10:21:40 10 **MS. SCARDINO:** I believe it -- maybe he had eight  
11 left.

10:21:44 12 **THE COURT:** Eight years?

10:21:45 13 **MS. SCARDINO:** Eight years left.

10:21:45 14 **THE COURT:** And he got one year off?

10:21:47 15 **MS. SCARDINO:** I believe -- I believe that's right. I  
16 know the one year.

10:21:49 17 As Your Honor already knows, Mr. Beckcom threatened to  
18 kill me and Mr. Rytting if we tried to test- -- or depose him in  
19 this case.

10:21:59 20 This is only part of the sordid backstory of Jeff  
21 Prible's prosecution, which his trial attorneys were never  
22 informed about, and it may never have come to light if one of  
23 the informants that Siegler decided not to use, spilled the  
24 beans on the ring of snitches in 2010. His name is Carl Walker,  
25 and he will testify at this hearing.

1 We will also call Nathan Foreman, who will testify  
2 that Beckcom's story of him and Foreman hearing a confession  
3 from Prible was not true. We will call Mr. Prible's lead trial  
4 attorney, Terry Gaiser, who will testify as to all the Brady  
5 evidence that was concealed from the defense team by the state.  
6 And, finally, we will call Kelly Siegler.

7 Ms. Siegler will not appear in this courtroom in  
8 person to testify. Her testimony will be presented by videotape  
9 deposition, and the reason is because she appears to have  
10 avoided service of a subpoena in this case. She knows this  
11 hearing is happening, and there's only one reason she would  
12 avoid being here in person today to clear her name, and that is  
13 because her name can't be cleared.

14 The evidence of prosecutorial misconduct in this case  
15 is overwhelming, and our hope, Your Honor, is that you will  
16 determine, after this hearing is over, that Mr. Prible is  
17 entitled to habeas relief.

18 **THE COURT:** Thank you very much.

19 **MS. SCARDINO:** Thank you, Your Honor.

20 **THE COURT:** Ms. Miranda?

21 **MS. MIRANDA:** May it please the Court?

22 Without question, if taken at face value, the  
23 allegations that Prible has lodged in this case are troubling.  
24 I think the Court granted discovery and held this evidentiary  
25 hearing to afford Prible the opportunity to provide the evidence

1 that he needed to support those allegations, and at the heart of  
2 Prible's claim is his allegation -- this is a quote from his  
3 petition, "That the State utilized [sic] a ring of informants  
4 who were engaging in a collective, coordinated effort to secure  
5 sentence reductions in return for providing the State with  
6 incriminating evidence in the form of manufactured confessions."

10:24:11 7 Now, that's a single sentence, but it's packed full of  
8 allegations against the state in this case, and they are,  
9 indeed, very serious.

10:24:19 10 I -- we believe -- and I'm not going to make this  
11 lengthy because I think a lot of this is already in the briefing  
12 before the Court. But after the evidence that is heard today,  
13 there are still large unsubstantiated inferences that Mr. Prible  
14 and his attorneys draw to get to that conclusion. There are  
15 gaping holes in his allegations with respect to Kelly Siegler.

10:24:44 16 First, that the state was operating this ring or, even  
17 if they weren't, that they were aware of this ring that was  
18 operating within the FCI Beaumont Medium. Now, just to begin,  
19 we just heard from her that during the July 3rd, 2001,  
20 interview, Kelly Siegler got Mr. Foreman's name. And that is,  
21 indeed, correct, and the transcript shows that Mr. Moreno told  
22 Kelly Siegler about Foreman, but not in response to Prible or  
23 not in relation to Prible's case.

10:25:16 24 In fact, if you read that entire transcript, there is  
25 absolutely no mention of Prible. Now, she claims, in her

1 opening statement, that only part of that interview was  
2 recorded, but we don't have any testimony or any evidence  
3 anywhere showing that other statements were made during that  
4 interview. So that is a huge assumption. Now, what they have  
5 cited in the past in briefing is a brief reference in  
6 Ms. Siegler's deposition where she was asked, without context,  
7 "And Moreno talked to you about Herrero and Prible?" And he  
8 says, "Yes," and that's all you have.

10:25:50 9           You don't have a date that conversation happened. You  
10 don't have content about that conversation. You have no context  
11 about where it happened, and the only thing he mentioned is  
12 Prible's name.

10:26:00 13           He absolutely does not mention Foreman's name, and in  
14 order for the whole rest of the sequence to work, right, you  
15 have to assume, based on this one noncontextual statement, that  
16 Moreno told Kelly Siegler about Nathan Foreman, not just about  
17 who he was, but about the fact that he had information on  
18 Prible, and there's no evidence of that fact.

10:26:24 19           And then they claim in their petition that two days  
20 later, based on the information that Nathan Foreman would inform  
21 against Prible, they charged him in an indictment. Again, you  
22 have no proof that Moreno told her about Nathan Foreman with  
23 respect to Prible, and you have no proof that she made the  
24 indictment -- I'm sorry. I apologize. Not the indictment, but  
25 they charged him with capital murder based on this information.

1 In fact, if you look at --

2 **THE COURT:** Not too fast. Not too fast.

3 **MS. MIRANDA:** I know. I apologize, Your Honor.

4 If you look at Herrero's probable cause complaint --  
5 so she went and she spoke with Herrero. He told her that he  
6 would inform -- Moreno said, "I will inform against him." She  
7 files a probable cause affidavit mentioning that informant.

8 There is no informant mentioned in Prible's probable  
9 cause affidavit because they didn't have one. They didn't know  
10 about one, contrary to what they say. So he's charged.

11 **THE COURT:** Which way does that cut? I mean, to  
12 file -- to do that without having more evidence seems -- it  
13 seems, to me, disturbing.

14 **MS. MIRANDA:** To do that without more evidence with  
15 what respect?

16 **THE COURT:** Ms. Prible's guilt.

17 **MS. MIRANDA:** So you're -- to do that with -- based on  
18 the evidence in the probable cause affidavit?

19 **THE COURT:** Yes.

20 **MS. MIRANDA:** Okay. Except that Ms. Siegler testified  
21 that she believed the evidence -- she didn't get involved until  
22 later, but when she reviewed the case -- the detective came to  
23 her, said, "Hey, will you look at this?" She looked at that,  
24 and she believed that evidence was sufficient to file a probable  
25 cause affidavit.



10:27:50 1           **THE COURT:** Without Beckcom's statement?

10:27:52 2           **MS. MIRANDA:** She didn't even know about Beckcom. She  
3 didn't know about Foreman with respect to Prible.

10:27:56 4           **THE COURT:** Why did it become worth charging at that  
5 point when it hadn't been worth charging for two years?

10:28:01 6           **MS. MIRANDA:** Because she had not been involved  
7 previously. So we don't know. We obviously don't know who  
8 originally looked at that case and what they thought of that  
9 case. What we do know, from Ms. Siegler's testimony, is that  
10 when the detective brought the case to her, and she looked at  
11 it, she thought there was enough there to charge him.

10:28:19 12          **THE COURT:** Okay. But what we have is somebody in the  
13 district attorney's office looked at it and thought there's no  
14 indictment here.

10:28:25 15          **MS. MIRANDA:** We don't know what they thought. We  
16 don't have any testimony.

10:28:27 17          **THE COURT:** There was not an indictment?

10:28:29 18          **MS. MIRANDA:** No. That's what we know. We know that  
19 somebody --

10:28:31 20          **THE COURT:** Ms. Siegler, at a detective's urging, does  
21 look at it and decides there should be an indictment.

10:28:36 22          **MS. MIRANDA:** Absolutely.

10:28:37 23          **THE COURT:** Then -- and then, later, did she go out  
24 and find Mr. Beckcom?

10:28:41 25          **MS. MIRANDA:** That would happen later, yes,

1 Your Honor. And if I may continue --

10:28:44 2 **THE COURT:** Well, that is precisely why she needs to  
3 be here to explain this narrative.

10:28:49 4 **MS. MIRANDA:** And she did do that in her deposition,  
5 Your Honor.

10:28:52 6 **THE COURT:** Okay. All right.

10:28:53 7 **MS. MIRANDA:** All right. So Ms. Siegler does not even  
8 meet with Mr. Foreman until August 8th, okay? Mr. Foreman is  
9 housed in the SHU in isolation until July 25th. And so their  
10 next allegation is not only did they charge him knowing that  
11 Foreman would be an informant, which she did not know, but then  
12 they also claim that she charged him intentionally because she  
13 knew, based on the point system, that somehow that would put him  
14 within reach of the rest of these informants.

10:29:24 15 And, again, because we don't know that she knew about  
16 who Foreman was, she don't -- she did not know that Foreman was  
17 willing to testify -- and there is no evidence that she knew  
18 that if Prible was charged with capital murder, that he would be  
19 moved from low to high, all right? Now, he -- we did see part  
20 of the interview with Mr. Moreno saying that he was moved from  
21 high to low, but there's no evidence that she knew what would  
22 happen when she was charged with capital murder.

10:29:52 23 In fact, all right, the evidence in this case shows  
24 that she believed that Prible was still in low when she filed  
25 the detainer, which was before she met with Mr. Foreman.

10:30:02 1 On August 3rd -- and you'll see that paperwork is  
2 going to be introduced in this hearing. That paperwork is going  
3 to show that she signed it on August 3rd, and that paperwork was  
4 addressed to Mr. Prible on September 4th, when it was finally  
5 sent after the indictments, and it was sent and addressed to him  
6 in low. She had no idea he had been moved to medium, and so all  
7 of the allegations that she manipulated the system to move him  
8 within the ring of informants is entirely based on speculation,  
9 and it's not supported by the facts.

10:30:36 10 In fact, she prepared to move Mr. Prible out of FCI  
11 Beaumont before she even met with Foreman. So she was already  
12 putting in the works for him to be moved and to be removed from  
13 FCI Beaumont and to be removed to Houston before she even met  
14 with Mr. Foreman. And, again, she testified in her deposition  
15 that she did not mention to the grand jury that she had an  
16 informant in Mr. Prible's case.

10:31:00 17 She did say that she mentioned that in Mr. Herrero's  
18 case because she did, in fact, have an informant in  
19 Mr. Herrero's case. She did not have one in Mr. Prible's case,  
20 and she did not mention that during the indictment -- during the  
21 grand jury.

10:31:16 22 And then, later, they claim that Mr. Foreman was the  
23 point person, that he was the one. Mr. Walker, in his  
24 statements, have said -- and they have alleged in their petition  
25 that he was their -- she just said he was their informant that

1 they were cultivating this whole time. There's no evidence of  
2 that in the record. We have deposed Rafael Dominguez. We have  
3 deposed Michael Beckcom. We have an affidavit from Jesse  
4 Gonzalez. We have -- we have an affidavit from Foreman, and  
5 he's going to come in here and testify. And he has not yet, to  
6 this point, said in any statement that he was the point person  
7 for the state.

10:31:53 8 In fact, he sort of kind of backs off and hands off,  
9 and "I just gave the number to Kelly Siegler." The only person  
10 who does allege this is Carl Walker, who, in a statement, says  
11 he doesn't really know, but he's just assuming. And we know  
12 that the state court found that his statement was almost  
13 entirely either speculation or hearsay and of little evidentiary  
14 value.

10:32:14 15 So they don't have proof of what they say they have  
16 proof of, and I believe that what you end up with, at the end of  
17 the day, is still disturbing, right? I think what is consistent  
18 across the board with what we have discovered during discovery  
19 is that these inmates were very active in attempting to obtain  
20 Mr. Prible's confession.

10:32:35 21 That's the consistency that we play out. What we  
22 don't have is proof that the state put them up to that, proof  
23 that the state knew that they were being active. The fact that  
24 multiple inmates would send a letter to try to get -- I think  
25 she said a piece of the pie, does not mean that the prosecutor

1 knew what they were doing.

10:32:56 2 **THE COURT:** What was the alternative thesis? Why  
3 would these inmates become so enthusiastic about trying to pin a  
4 capital crime on Mr. Prible?

10:33:03 5 **MS. MIRANDA:** I think there's testimony all over the  
6 record that this is what they do. This is what -- I mean,  
7 they're -- they want an opportunity to get out of jail sooner,  
8 to get other perks, whatever it is. There's nothing unusual  
9 about federal inmates coming forward --

10:33:18 10 **THE COURT:** So at any time we can assume that federal  
11 prisons are full of people trying to pin heinous crimes on their  
12 roommates and fellow prisoners?

10:33:29 13 **MS. MIRANDA:** I think that the testimony -- now, I'm  
14 not going to make that personal statement. I don't. But I do  
15 believe that we have testimony from a judge and from the  
16 prosecutors and people who work in the system to say that  
17 absolutely that -- that inmates -- not just federal, but state  
18 inmates are -- it is not uncommon for them to inform against  
19 roommates or cellmates. It's not an uncommon practice.

10:33:53 20 **THE COURT:** Doesn't that suggest that the  
21 prosecution's sensitivity should have been particularly aroused  
22 by this form of proof that these people, who are in the business  
23 of coming up with confessions of their cellmates and roommates,  
24 are at it again? Wouldn't that tend to cause a seasoned  
25 prosecutor to be especially wary about this kind of evidence?

10:34:14 1           **MS. MIRANDA:** I think so, Your Honor. I think so, and  
2 I think that Ms. Siegler talks about that in her deposition. In  
3 fact, when she receives -- she testified when she received  
4 those -- the other letters from the three -- the inmates from  
5 Mr. Martinez, Mr. Gonzalez, and then Mr. Walker, that was  
6 precisely what she thought.

10:34:31 7           And I think the record's going to demonstrate  
8 Mr. Gonzalez testified that she followed up in the sense she  
9 called him, said, "Do you know him?" He said, "Yes," and then  
10 she never -- he never heard from her again, and that's precisely  
11 why, because her assumption was that this is not necessarily  
12 credible information. I don't know that they have it. These  
13 are just more federal inmates attempting to get in on the pie.

10:34:55 14           And I think Johnny Bonds testifies about how they are  
15 naturally wary of it and the things that they try to do to make  
16 sure that they're testifying for the truth. And I will  
17 acknowledge, Your Honor, and I understand that for many,  
18 including, probably, this Court, this type of testimony is  
19 disturbing simply for that reason, that I think there is a  
20 perception out there regarding its reliability because of the  
21 intense motive that these inmates have to do this, all right?

10:35:21 22           But the question before this Court is -- is very  
23 narrow, and the question is: Did Ms. Siegler -- even if you  
24 disagree personally with her use of this testimony, the question  
25 is: Did Ms. Siegler violate the Constitution in using that

1 testimony? And that comes down to the question of: Did she put  
2 them up to it? Was she using them as state agents?

10:35:43 3 And they absolutely have the burden of proving that,  
4 and then the other would be, obviously, if she knew that this  
5 confession was false and she -- or she had reason to know that  
6 it was false.

10:35:53 7 **THE COURT:** Well, Mr. Siegler -- Ms. Siegler did worse  
8 than that, didn't she? Didn't she choreograph a --  
9 conversations with Mr. Prible after she knew he was represented  
10 by counsel?

10:36:09 11 **MS. MIRANDA:** I'm sorry. Choreographed conversations  
12 with Mr. Prible?

10:36:13 13 **THE COURT:** By cellmates and fellow inmates, when she  
14 knew Mr. Prible was represented by counsel.

10:36:20 15 **MS. MIRANDA:** I don't believe there's evidence of that  
16 in the record, Your Honor. I believe that what the evidence is  
17 going to show is that these inmates got information, and maybe  
18 they targeted Mr. Prible. Maybe they set him up to confess.

10:36:30 19 I do think there's some consistency there with respect  
20 to the fact that they went after him, but I think what the  
21 record shows is that they contacted Ms. Siegler, let her know  
22 that they had information, and then she made a decision about  
23 whether she would use that information or not. That is not  
24 orchestrating information with respect to what a *Massiah*  
25 violation is.

1 And, again, understanding from Your Honor's  
2 perspective the fact that they came to her, and she decided to  
3 use that, may be upsetting or troubling to you, but it -- it  
4 does not rise --

5 **THE COURT:** It isn't constitutional, you're saying.

6 **MS. MIRANDA:** It doesn't rise to the level of a  
7 constitutional violation, which is what they have to prove in  
8 this case. And at the end of the day, the most I think that you  
9 end up with, with the evidence is potentially additional  
10 impeachment evidence against Michael Beckcom with respect to who  
11 he knew was talking about this case, the fact that more inmates  
12 were talking about this than he let on during his testimony.

13 And -- but that is simply incremental with respect to  
14 the way that Mr. Beckcom was impeached in this case. He wasn't  
15 just an ordinary snitch. In fact, the defense attorney argued  
16 during closing arguments that it was a craft that he was  
17 practiced at.

18 So the jury heard not only is he coming in here with a  
19 motive, but he's done it before, and he's done it well, and, oh,  
20 by the way, did you know he previously lied under oath to a  
21 federal judge? He's a quadruple felon. He's a capital  
22 murderer.

23 They had all of this. They -- they brought in  
24 witnesses who testified that they knew Beckcom, and they thought  
25 he was opportunistic and that he would commit perjury and that



1 he would do the very sort of thing that they were accusing him  
2 of. They also brought in witnesses to show that he could have  
3 gotten this information from other sources.

10:38:17 4 So at the end of the day, the most that you have is  
5 incremental impeachment that is not enough to get you to where  
6 you can, on federal habeas, with the deference that's afforded  
7 here, to overturn his conviction.

10:38:29 8 **THE COURT:** Thank you, Ms. Miranda.

10:38:33 9 Want to call your first witness?

10:38:34 10 **MR. RYTTING:** Yes, Your Honor. We'll call Nathan  
11 Foreman.

10:38:37 12 **THE COURT:** Mr. Foreman.

10:38:49 13 **MR. RYTTING:** May I question from the table, or would  
14 you --

10:38:51 15 **THE COURT:** Table is fine. Just make sure the  
16 microphone is near your -- where you're speaking.

10:38:56 17 **MR. RYTTING:** Yes, Your Honor.

10:39:22 18 **MS. SCARDINO:** Your Honor, may I ask Art to help me  
19 turn -- I think I'm plugged in correctly, but...

10:39:29 20 *(Sotto voce discussion between Ms. Scardino and the case*  
10:39:29 21 *manager.)*

10:39:51 22 **THE COURT:** Yes, sir. Good morning. If you could  
23 make your way up here to the seat nearest me.

10:39:55 24 Up here this way (indicating), sir.

10:40:01 25 Good morning. Before you take your seat, Mr. Rivera

**Mr. Rytting Direct of Nathan Foreman**

will administer the oath, if you would raise your right hand.

(Witness sworn.).

**THE COURT:** Thank you very much.

Okay. You may inquire.

**NATHAN FOREMAN, DULY SWORN, TESTIFIED:**

**DIRECT EXAMINATION**

**BY MR. RYTTING:**

**Q** Nathan, could you identify yourself for the court, please?

**A** Yes. My name is Nathan Foreman.

**Q** Okay. And we've met before, have we not?

**A** Yes, sir.

**Q** Okay. And, in fact, in 2016, I believe -- January of 2016, I met you at the Byrd Unit; is that correct?

**A** That is correct.

**MS. MIRANDA:** Objection, Your Honor, leading.

**THE COURT:** Rule 611 doesn't prohibit leading testimony. It just suggests it be used cautiously. I think, given where we are in this evidence, and when I'm sitting without a jury, I'm not going to be too strict on leading or not leading. I'll allow it.

**THE REPORTER:** I'm sorry. If you could just pull the microphone a little closer.

**THE WITNESS:** Yes.

**BY MR. RYTTING:**

**Q** And in 2016, you provided me -- you provided an affidavit at

**Mr. Rytting Direct of Nathan Foreman**

1 that time. You signed an affidavit; is that correct?

10:41:19 2 **A** That is correct.

10:41:20 3 **Q** Okay. And were you represented by counsel at that point?

10:41:25 4 **A** Yes, I was.

10:41:26 5 **Q** Who? Do you recall?

10:41:28 6 **A** Alan Percely.

10:41:31 7 **Q** And at -- you were incarcerated in FCI Beaumont, correct?

10:41:39 8 **A** That is correct.

10:41:40 9 **Q** And do you recall what times that was?

10:41:45 10 **A** Oh, man. I know I started in 2000, I think.

10:41:48 11 **Q** Is -- February 28th of 2000?

10:41:50 12 **A** It may be. I'm not sure.

10:41:52 13 **Q** Correct?

10:41:53 14 Okay. And when you first got to FCI Beaumont, where were  
15 you housed? Was it in general population?

10:42:02 16 **A** Yes, when I first got there.

10:42:04 17 **Q** And how long were you in general population?

10:42:06 18 **A** Maybe a few months. I'm not sure.

10:42:08 19 **Q** And after -- after you were in general population, where did  
20 you go when you were in FCI Beaumont?

10:42:13 21 **A** I went to the SHU.

10:42:14 22 **Q** And why did you go to the SHU?

10:42:18 23 **A** Disciplinary action.

10:42:19 24 **Q** Okay. And -- and the SHU is what?

10:42:23 25 **A** Special housing unit.

**Mr. Rytting Direct of Nathan Foreman**

10:42:24 1 Q Okay.

10:42:26 2 THE COURT: Why don't you walk him through why that --  
3 that term is used.

10:42:30 4 BY MR. RYTTING:

10:42:30 5 Q Why -- why is the term "SHU" used?

10:42:33 6 A Well, it stands for special housing unit. It's for  
7 disciplinary action.

10:42:37 8 Q Okay.

10:42:38 9 A Punishment.

10:42:39 10 MS. MIRANDA: Your Honor, I apologize for  
11 interrupting, and I should have done this previous to the first  
12 witness being called, but can we ask if there are any other  
13 witnesses in the courtroom, and then invoke the rule at this  
14 time, if there are?

10:42:54 15 MS. SCARDINO: No. There aren't.

10:42:58 16 THE COURT: Experts, normally, are not subject to the  
17 rule. Are there any fact witnesses still in the courtroom?

10:43:04 18 MR. RYTTING: No, there's not. We have a fact witness  
19 outside the courtroom.

10:43:06 20 MS. MIRANDA: Thank you, Your Honor.

10:43:07 21 THE COURT: Do you have all your fact witnesses  
22 outside the courtroom, too?

10:43:10 23 MS. MIRANDA: We don't have our witnesses. They're  
24 all depositions.

10:43:12 25 THE COURT: Okay.

**Mr. Rytting Direct of Nathan Foreman****BY MR. RYTTING:**

**Q** Okay. Can you explain for the Court what the SHU is?

**A** Well, it's a place they put you when you get in trouble, disciplinary action.

**Q** Okay. And so it's apart from the general population, correct?

**A** Yes, it is. Yes, sir.

**Q** And how is the SHU set up?

**A** Well, it's -- it's like, somewhat, solitary, but only difference is there you have, like, two other cellmates. So...

**Q** So you're not in a single cell isolated from other inmates?

**A** No. They changed that because -- due to population, I guess. I don't know.

**Q** So you may have roommates. You have -- you may have cellmates in the unit that's called the SHU?

**A** Yes.

**Q** Okay. And did you have any particular assignments or duties while you were in the SHU?

**A** I was assigned -- I was an orderly. Yeah. I was a -- I kept the -- I fed other inmates, and I swept up, cleaned up.

**Q** So you were able to go from cell to cell and talk with other inmates, if you --

**A** Yes. I would move around.

**Q** Uh-huh.

And how long were you in the SHU?

**Mr. Rytting Direct of Nathan Foreman**

1 **A** Well, I did approximately -- maybe a little over a year.  
2 I'm not sure.

3 **Q** And while you were in the SHU, did you meet someone named  
4 Jesse Moreno?

5 **A** Yes.

6 **Q** And who is Jesse Moreno?

7 **A** Well, Jesse, he was another inmate that was there with me,  
8 also.

9 **Q** And did you know Jesse Moreno from any other -- from the  
10 outside world?

11 **A** Yes. We grew up in the same neighborhood.

12 **Q** Uh-huh.

13 **THE COURT:** You knew him beforehand, or you -- you  
14 established later that you were from the same neighborhood?

15 **THE WITNESS:** We -- well, we established, while we  
16 were in there, we were from -- well, I knew Jesse from the  
17 neighborhood.

18 **THE COURT:** Okay. That's what I meant.

19 **THE WITNESS:** I'm sorry.

20 **BY MR. RYTTING:**

21 **Q** And why was Jesse in the SHU, if you recall?

22 **A** I don't recall.

23 **Q** Okay. So while you were in the -- did you have any  
24 discussions about Mr. Prible with Jesse Moreno while you were in  
25 the SHU?

**Mr. Rytting Direct of Nathan Foreman**

10:45:24 1 A Yes. I think so, I believe.

10:45:25 2 Q And what was the discussion over?

10:45:29 3 A Well, it was -- he brought something to my attention about a  
4 time cut or something, you know, if we could get this guy to...

10:45:37 5 Q For what?

10:45:41 6 A Excuse that? Ask that again?

10:45:43 7 Q Was it a time cut for testifying?

10:45:45 8 A Yes --

10:45:45 9 Q Okay.

10:45:46 10 A -- testify.

10:45:47 11 Q And did Jesse Moreno know something about the Prible case?

10:45:50 12 A Yes, he did.

10:45:52 13 Q And did he explain how you might get a time cut?

10:45:57 14 A Yes, he did.

10:45:58 15 Q And what was that? What did he -- what did he suggest you  
16 might do?

10:46:07 17 A This guy to say that he, you know, killed somebody or  
18 something.

10:46:11 19 Q Okay. And did Mr. -- but Mr. Moreno had some facts about  
20 this case already about Prible?

10:46:18 21 A Yes, he did.

10:46:18 22 Q Did he -- who did he say for you to get in contact with?

10:46:22 23 A Kelly Siegler.

10:46:23 24 Q Okay. So you both discussed Kelly Siegler while you were in  
25 the SHU?

**Mr. Rytting Direct of Nathan Foreman**

10:46:28 1 A Yes.

10:46:29 2 Q Do you know who Kelly Siegler is?

10:46:32 3 A Well, I didn't at the time, but as I realized, yeah, she was  
4 a prosecutor out of Houston.

10:46:38 5 Q Okay. Now, you said you were in the SHU for over a year,  
6 and that means you got out somewhere in July, is that -- of  
7 2001; is that correct?

10:46:51 8 A I knew it was -- it was a long time after that. You know,  
9 I'm not sure.

10:46:55 10 Q So maybe late summer?

10:46:56 11 A Maybe, yeah.

10:46:57 12 Q Uh-huh.

10:46:58 13 A You could say that.

10:47:01 14 Q And while you were in the SHU, did you ever come across  
15 Jeff Prible, actually?

10:47:07 16 A You know, I came across a lot of people, but I don't -- you  
17 know, because I go from door to door. I don't remember inmates  
18 by --

10:47:15 19 Q Uh-huh.

10:47:16 20 A -- you know --

10:47:16 21 Q So you're not sure whether you saw --

10:47:18 22 A No.

10:47:18 23 Q You're not sure now whether you saw Mr. Prible in the SHU?

10:47:20 24 A No.

10:47:21 25 **THE COURT:** What's your earliest memory of Mr. Prible?



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**THE WITNESS:** I think I -- I probably ran across him  
in the SHU.

**THE COURT:** Okay.

**THE WITNESS:** I'm just not sure. It's been over  
20 years ago. So, you know...

**BY MR. RYTTING:**

**Q** And so you got out of the SHU sometime in the summer of  
2001?

**A** That's correct.

**Q** Did you -- do you know why Mr. Prible was in the SHU?

**A** No, I don't.

**Q** Okay. And did Mr. Prible get out of the SHU about the same  
time?

**A** I don't -- I didn't -- you know, I didn't keep up with when  
he got out. I just know we ran into each other on the compound.

**Q** Okay. But you did run into each other on the compound.  
What is "the compound"?

**A** It's an open area for inmates to walk around. It's just  
open. You know, you have the right to move around. So...

**Q** Uh-huh. You're housed --

**A** It's called "the yard."

**Q** Well, let's go a little bit about how the FCI Beaumont  
prison is set up.

You have a yard or a compound, correct?

**A** Well, we call it "the yard" and "the compound." So it's

**Mr. Rytting Direct of Nathan Foreman**

1 either -- either/or. So...

10:48:38 2 Q And what's on the yard or compound?

10:48:41 3 A Well, you got the rec area. You got a track. You got a  
4 football field. You got a handball field. You know, you got --  
5 it's just recreation.

10:48:48 6 Q Okay. And so -- but you're also housed in the particular  
7 unit, correct?

10:48:56 8 A Yes.

10:48:57 9 Q Okay. Were you housed in the same unit as Mr. Prible?

10:49:00 10 A No. I don't think so.

10:49:01 11 Q Okay. Could you go from unit to unit?

10:49:07 12 A Well, you could walk, but you can't -- you weren't allowed  
13 to go inside the units.

10:49:13 14 Q So you couldn't meet with Mr. Prible in his cell?

10:49:15 15 A No. No, I could not.

10:49:16 16 Q And he couldn't meet with you in his -- in your cell?

10:49:19 17 A No.

10:49:19 18 Q Because you were in different units?

10:49:21 19 A Correct.

10:49:21 20 Q Okay. All right. When you -- do you recall -- do you  
21 recall your first encounter -- encounter with Mr. Prible on the  
22 yard?

10:49:33 23 A Man, that's -- that's too -- too far back to remember.

10:49:39 24 Q Okay. But you already knew something about his case,  
25 correct?

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10:49:45 1 **A** Yes, I did. Yeah.

10:49:47 2 **Q** And when you did meet him on the yard, you knew he was -- he  
3 was the guy that --

10:49:53 4 **A** Yeah.

10:49:53 5 **Q** -- was facing this -- facing the murder case; is that  
6 correct?

10:49:56 7 **A** That's correct.

10:49:57 8 **Q** And you were interested, at the time, in -- in what, getting  
9 a time cut?

10:50:09 10 **A** Yes, I was.

10:50:10 11 **Q** Okay. What is a time cut?

10:50:12 12 **A** Well, it's when they take some of your sentence away from  
13 the time that you have. They'll take it off of your sentence or  
14 whatever.

10:50:21 15 **Q** Uh-huh. For informing on --

10:50:24 16 **A** Yes.

10:50:24 17 **Q** -- providing the government with information?

10:50:26 18 **A** Yes.

10:50:26 19 **Q** Okay. And you -- did you ever act on Jesse Moreno's  
20 suggestion that you contact Kelly Siegler?

10:50:42 21 **A** I did.

10:50:43 22 **Q** Okay. So at some point you did contact Siegler?

10:50:46 23 **A** I did.

10:50:46 24 **Q** Do you recall when that was?

10:50:47 25 **A** I can't recall.

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10:50:49 1 Q Do you recall meeting with Kelly Siegler?

10:50:50 2 A Yes.

10:50:51 3 Q Okay. When -- where did that occur?

10:50:54 4 A Man, I -- I -- only meeting I remember was at FCI -- F- --  
5 FDC Downtown.

10:51:01 6 Q So in the federal detention center here in Houston, Texas?

10:51:04 7 A Yeah.

10:51:06 8 Q Do you recall approximately what time that meeting took  
9 place, what month?

10:51:11 10 A No, I can't.

10:51:11 11 Q All right. And, again, it's because of 20 years?

10:51:14 12 A Yeah.

10:51:19 13 Q Do you recall what the purpose of that meeting was?

10:51:21 14 A It was about Jeff Prible.

10:51:25 15 Q Okay. And what were you -- do you recall what you may have  
16 told Ms. Siegler at this meeting?

10:51:36 17 A No. I --

10:51:37 18 Q But you did discuss the Prible case?

10:51:39 19 A Yes, I did.

10:51:42 20 Q And was this the only contact that you had with Ms. Siegler,  
21 or were you able to contact her by telephone?

10:51:48 22 A We were able to contact her by telephone.

10:51:50 23 Q And when you say "we," who are you talking about?

10:51:56 24 A All the inmates that were on this -- supposedly involved in  
25 this case.

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Q And who were they? Can you name some of the inmates who were involved?

A Jesse Moreno, Mike Beckcom. Man...

Q Was Rafael Dominguez wring --

A Yes. Yes.

**MS. MIRANDA:** Objection, Your Honor. I understand that leading is somewhat permissible, but at this point we're talking about substance and content of the testimony, and I think -- given the nature of these proceedings, I do believe that the witness ought to be the one that's supplying the information.

**THE COURT:** As to individuals you've just named, do you have a clear recollection that they contacted Ms. Siegler by telephone, or is that just your best guess?

**THE WITNESS:** No, they also did.

**THE COURT:** Okay.

**BY MR. RYTTING:**

Q And how were they able to contact her by telephone?

A I think the unit manager would allow us to use his phone.

Q Was there another system for making phone calls?

A Your own -- your own phone that you had to -- that you had.

Q Was it -- so, and the -- how had -- there was a phone system, correct, that you --

A That's correct.

Q Okay. And you have a number -- your own, say, like a PIN

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1 number and identifying number that you put in the phone system?

10:53:16 2 **A** That's correct.

10:53:17 3 **Q** Did you have to do that with the unit manager?

10:53:19 4 **A** No.

10:53:20 5 **Q** Okay. And do you recall who the unit manager was?

10:53:26 6 **A** Harpe -- Harpe something.

10:53:31 7 **Q** And was Ms. Siegler able to contact you through -- or --

10:53:35 8 **A** Yes, she was.

10:53:36 9 **Q** -- and other inmates through Ms. Harpe's -- Mr. Harpe's  
10 phone?

10:53:39 11 **A** Yes, she was.

10:53:39 12 **Q** And do you recall whether that happened or not?

10:53:42 13 **A** I don't recall at the minute.

10:53:56 14 **Q** Now, at some point you became cellmates with Mr. Beckcom; is  
15 that correct?

10:54:01 16 **A** That's correct.

10:54:01 17 **Q** Okay. Do you recall when that occurred?

10:54:05 18 **A** No. No, I can't.

10:54:08 19 **Q** Was Mr. -- Mr. Prible was still on the compound; is that  
20 correct?

10:54:12 21 **A** That's correct.

10:54:13 22 **Q** Okay. And did you and Mr. Beckcom meet with Mr. Prible?

10:54:17 23 **A** Yes.

10:54:18 24 **Q** And where did that occur?

10:54:19 25 **A** On the rec yard.

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Q Okay.

**THE COURT:** I'm sorry. I didn't hear. On the radio?  
On the what?

**THE WITNESS:** Recreational yard.

**THE COURT:** Oh, recreation. Okay.

**THE WITNESS:** Yeah.

**BY MR. RYTTING:**

Q And how often did you meet Mr. Prible?

A Sometimes -- every day sometimes, you know.

Q Okay.

A Everyone would go to rec every day.

Q Was it just you and Mr. Beckcom, or were there others?

A Sometimes me and Mike -- me and Beckcom. Sometimes other  
few guys -- few more guys around.

*(Sotto voce discussion between Mr. Rytting and  
Ms. Scardino.)*

**MR. RYTTING:** Your Honor, I'm showing on the screen  
Exhibit 32.

**THE COURT:** Okay.

**BY MR. RYTTING:**

Q Mr. Foreman, can you identify any of the people in that  
photograph?

A Yeah.

Q And starting with the left-hand back row, can you tell us  
how they are?

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10:55:42 1 **A** I think that's Walker, and the next one is Eddie.

10:55:53 2 **Q** Would that be Eddie Gomez?

10:55:54 3 **A** Yes. That's correct.

10:55:56 4 And the center is Mike Beckcom.

10:55:59 5 **Q** And he was your cellmate, correct?

10:56:00 6 **A** Yes, he was.

10:56:04 7 Cat was Dominguez.

10:56:07 8 **Q** "Cat" was the nickname for Dominguez?

10:56:09 9 **A** Yes. Yes.

10:56:10 10 **Q** And next to Mr. Dominguez is...

10:56:12 11 **A** Me, myself.

10:56:14 12 **Q** Okay. And on the bottom row?

10:56:16 13 **A** That's, I think, Oscar.

10:56:20 14 **Q** That's Oscar Gonzalez, correct?

10:56:21 15 **A** Yes, it is.

10:56:24 16 **Q** And in the center is...

10:56:27 17 **A** Prible.

10:56:28 18 **Q** Okay. And do you recognize Mr. Prible in the courtroom?

10:56:31 19 **A** It's kind of hard, but yeah, I recognize him now.

10:56:35 20 **Q** Okay.

10:56:35 21 **A** I recognize him.

10:56:36 22 **Q** And on the right -- the last person, do you know who the  
23 last person is right there?

10:56:41 24 **A** I think it was Mark or Mike Martinez, one of the two. I  
25 don't remember his name too well.



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Q And were all these people -- were every -- was everyone in that picture, as far as you know of, in contact with Kelly Siegler?

A A few of them. I don't know if everyone was. I can't say.

Q So who was? Who was able, that you know of, to -- you believe contacted or spoke with Ms. Siegler?

A Myself, Mike, I think Walker, Gomez. Maybe Dominguez. I don't remember if the rest of them was. I can't say.

Q All right. And what were -- what were these individuals who are all surrounding Jeff Prible in this picture interested in doing?

A Getting time cuts.

Q And how were they going to do that?

A By rolling over on Jeff.

Q Okay. And by "rolling over on Jeff," what do you mean?

A Snitching on him. Lying on him, rather.

Q Okay. And do you know how -- did you -- did you send this picture to the district attorney's office?

A I don't remember if I did or someone else did. I can't.

Q Now, what was the purpose of taking this picture?

A To show that we all were affiliated with each other.

Q Okay.

A That we knew each other.

Q Now, Mr. Foreman, you never did testify against Mr. Prible, did you?

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**A** No, I didn't.

**Q** But at the time, you were willing to testify; is that correct?

**A** Yes. That's correct.

**Q** And it's your understanding that Mr. Beckcom did testify --

**A** Yes.

**Q** -- against --

**A** Yes.

**Q** -- Mr. -- Mr. Prible, correct?

**A** Yes, sir.

**Q** And you've had an opportunity to read his -- the statement that he gave to the prosecutor, correct, or go over that statement in which he describes Jeff Prible's supposed confession; is that correct?

**A** That's correct.

**Q** Okay.

*(Sotto voce discussion between Mr. Rytting and Ms. Scardino.)*

**BY MR. RYTTING:**

**Q** Do -- and do you recognize that handwriting?

**A** No.

**Q** Okay. But that -- you were told that was a letter written by Jeff -- by Michael Beckcom, correct?

**A** That's correct.

**Q** And who informed you that that was a letter written to

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1 Ms. Siegler by -- or statement written by Michael Beckcom?

10:59:53 2 **A** Mr. Rytting did.

10:59:55 3 **Q** And that's me?

10:59:58 4 **A** That's you.

10:59:59 5 **Q** And I read most, if not all, of that letter to you, did I  
6 not?

11:00:03 7 **A** That is correct.

11:00:05 8 **Q** So -- and it's your understanding that in that letter,  
9 Mr. Beckcom says that you were present when Mr. Prible talked  
10 about his murder case, correct?

11:00:18 11 **A** That's correct.

11:00:19 12 **Q** And did -- did Mr. Prible sometimes talk about what he was  
13 accused of?

11:00:26 14 **A** Not really. He just, you know, said, you know -- he didn't  
15 really talk about what he was accused of. You know, he said  
16 they were trying to accuse him for something that he didn't do.

11:00:36 17 **Q** Okay.

11:00:36 18 **A** But that's as far as it went.

11:00:42 19 **Q** So if we go through some of the -- go through this statement  
20 here -- now, it says here that -- that Mr. -- Mr. Beckcom claims  
21 that he learned of Prible through his exercise partner, Bobby  
22 Williams, and he says that: Prible would approach us -- and  
23 he's talking about you and Beckcom -- during our workout  
24 occasionally. And we'd pull -- and pull Bobby off to the side.

11:01:18 25 Do you recall any of these meetings, as you sit here?

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11:01:20 1 **A** No, I don't.

11:01:20 2 **Q** Was -- was it always Prible that was approaching you, or did  
3 you and Beckcom come up to Prible?

11:01:26 4 **A** You know, it wasn't always him approaching us. We all just  
5 met out there, you know. So it was -- how do you say, an  
6 agreeance thing, you know. That was just our --

11:01:36 7 **Q** So you meet with a group of people, perhaps?

11:01:37 8 **A** Just meet with a group of people.

11:01:40 9 **Q** Was -- so Mr. Prible wasn't sitting around waiting for you  
10 to get out of your unit, was he?

11:01:46 11 **A** No, man.

11:01:47 12 **Q** And that was "no"?

11:01:49 13 **A** That was "no."

11:01:49 14 **Q** Okay. So -- and if we go on through this statement, it says  
15 that -- that at: (Reading) Some months later, around late  
16 October or early November, Prible approached myself and Nathan  
17 Foreman while we were on the yard, sitting on some bleachers.  
18 Prible and I began talking casually and then realized that we  
19 both worked in the same industry at competing businesses. I ran  
20 Gold's Gym, and he ran World Gym. Both knew some of the same  
21 people from that industry and traveled in some of the same  
22 circles.

11:02:36 23 Do you recall that conversation about the --

11:02:39 24 **A** I don't.

11:02:39 25 **Q** -- gym?

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11:02:39 1 A I don't recall that.

11:02:41 2 Q Okay. And it says, you know, late October or early November  
3 in that letter. Did you not give Michael Beckcom, Kelly  
4 Siegler's telephone number in October?

11:02:54 5 A I don't recall. I may have. I don't remember.

11:02:56 6 Q And you became cellmates in early October, did you not?

11:03:00 7 A Right. Right.

11:03:00 8 Q And that was about the time that you gave him the -- the --  
9 the telephone number?

11:03:06 10 A If I remember giving it to him, I don't --

11:03:08 11 Q Okay.

11:03:09 12 A -- I don't remember.

11:03:12 13 Q But any rate, when Mr. Beckcom and you started meeting with  
14 Mr. Prible, he had already been in contact with Mr. Siegler, if  
15 it was October or November that he first --

11:03:21 16 A He probably was. I'm not sure.

11:03:23 17 Q Okay. So -- and if we go on through this letter, it says  
18 that -- and -- again, and you're present. (Reading) At some  
19 point Prible said that he had a state case and that he had heard  
20 that I fought the same charge -- Beckcom's talking about himself  
21 -- at one time.

11:03:47 22 (Reading) I asked him if he had a capital charge, and he  
23 said, "I thought you knew." I had heard something to the effect  
24 but didn't really know who it was. He then starts to ask me  
25 some questions about the things I went through during my capital

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1 case.

11:04:06 2 Had you already discussed Mr. Prible with Beckcom before?

11:04:13 3 **A** You know, we -- we were cellmates, so I'm pretty sure. I  
4 just don't know when, if -- you know.

11:04:18 5 **Q** Was Mr. Beckcom interested in testifying against Mr. Prible?

11:04:21 6 **A** Yes, he was.

11:04:21 7 **Q** And so you already had facts about Mr. Prible's case, did  
8 you not?

11:04:25 9 **A** Yes, I did.

11:04:25 10 **Q** And did you relay those to Mr. Beckcom?

11:04:29 11 **A** For what I was told, yeah.

11:04:31 12 **Q** Okay. What you were told by -- what you had learned  
13 already?

11:04:34 14 **A** Yeah.

11:04:35 15 **Q** Okay.

11:04:40 16 *(Sotto voce discussion between Mr. Rytting and*  
17 *Ms. Scardino.)*

11:04:44 18 **BY MR. RYTTING:**

11:04:45 19 **Q** And, again, what had you learned already about that case?

11:04:49 20 **A** He was just being accused of murder. That's it, you know.

11:04:55 21 **Q** Did you know any -- any more details about that murder,  
22 about who was killed and the girls that were suffocated?

11:05:02 23 **A** Somewhat, but, you know...

11:05:03 24 **Q** And where did you get that information?

11:05:05 25 **A** I got that from Jesse Moreno and Kelly Siegler.

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Q All right. Okay.

If we go further into -- into this statement, I'll just read it.

He said: (Reading) I asked Prible -- that's -- or I asked him -- this is -- again, this is Beckcom's writing -- what evidence they had on him, and he said "nothing." Then he said the only thing they have on him is some DNA from the girl, but that everyone knew he was messing around with her. He said that the police were looking for a .38 that he had that they believed is the murder weapon, but that gun he had sold, and his father had already gotten the gun back from the girl he sold it to and that it was clean.

Do you recall hearing Mr. Prible saying any of that?

A No, sir.

Q Okay. And, Mr. Foreman, there was a reference to DNA in -- that I read, correct?

A Yes, sir.

Q Okay. Did you know anything about the DNA or semen in this case?

A Other than what Kelly Siegler told me.

Q And what did she tell you?

A She was -- you know, he asked -- she asked me about him, and I said, "Well, you know" -- "you know, him and the girl were dating or had a relationship. That's all he had ever said, you know."

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11:07:09 1 Q Uh-huh.

11:07:10 2 A So -- and that was pretty much -- and she said, "Well, did  
3 he tell you that his semen was found in her mouth?"

11:07:18 4 Q Okay. And was this in FDC --

11:07:21 5 A Yes, it was.

11:07:21 6 Q -- Beaumont?

11:07:23 7 So by that time you already -- by the time you're talking  
8 to Jeff on the yard, you already had that information, correct?

11:07:32 9 A I can't recall.

11:07:33 10 Q Okay. Was this something you would have discussed with  
11 Michael Beckcom, your roommate?

11:07:39 12 A I don't think I ever discussed that with Mike.

11:07:42 13 Q Okay.

11:07:46 14 *(Sotto voce discussion between Mr. Rytting and*  
11:07:47 15 *Ms. Scardino.)*

11:07:51 16 **BY MR. RYTTING:**

11:07:51 17 Q We're going to turn to some of the parts where Foreman is --  
18 where you're mentioned in this letter.

11:08:00 19 And I'll -- again, I'll read this. This is from Beckcom's  
20 statement.

11:08:05 21 And just to give it some context for the Court, this --  
22 on -- on this statement, it has a date on the first page of  
23 12/10/2001 with two initials, JB, which, as you'll find -- which  
24 we believe stands for -- well, do stand for Johnny Bond [sic].

11:08:25 25 And it says: (Reading) After this, it became a daily



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1 occurrence that Prible would wait for Foreman and myself to come  
2 outside so we could talk. He started to become very attached to  
3 us. We began to talk about a business he had been involved in,  
4 the asphalt business. I knew a little about this industry, so  
5 we started to make some plans to go into business together on  
6 the outside.

11:08:49 7 (Reading) He told us all about the money he had made, all  
8 cash money. About taking this topless dancer, Shay, to Vegas  
9 and blowing 100,000.

11:09:02 10 So do you recall this conversation with Mr. Prible at all?

11:09:04 11 **A** I don't remember.

11:09:05 12 **Q** Were you interested in his asphalt business?

11:09:07 13 **A** Well, we talked about it.

11:09:08 14 **Q** All right. So you remember talking about something like  
15 that?

11:09:10 16 **A** Yeah. We talked about his business that he was doing.

11:09:12 17 **Q** Did you believe he had any real business, seeing he was in  
18 prison?

11:09:19 19 **A** Well, you know, I couldn't say if he did or not because, you  
20 know, I don't know what he had, you know, prior to being in  
21 prison.

11:09:25 22 **Q** What did you know he had done illegally to get himself into  
23 prison?

11:09:30 24 **A** Bank robbery or something. Rob a bank or something.

11:09:33 25 **Q** What, if anything, crossed your mind about whether someone

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1 who was running a successful business needed to rob banks?

11:09:41 2 **MS. MIRANDA:** Objection, Your Honor. At this point,  
3 he's speculating. He just testified he didn't know.

11:09:46 4 **THE COURT:** Have you had any conversations with  
5 Mr. Beckcom [sic] about why he felt the need to rob banks?

11:09:53 6 With Mr. Prible about why he needed to rob banks?

11:09:58 7 **THE WITNESS:** No. I never really, you know, asked him  
8 why.

11:10:05 9 **THE COURT:** Did he say anything about -- in particular  
10 about the asphalt business? Was he making a lot of money? Was  
11 he not making money?

11:10:13 12 **THE WITNESS:** No. He just said, you know, it was a  
13 good business, you know. It was a good business.

11:10:18 14 **THE COURT:** So you're assuming it was a successful  
15 business?

11:10:20 16 **THE WITNESS:** Yeah. I thought it was, yeah. Well,  
17 from what he told me.

11:10:32 18 *(Sotto voce discussion between Mr. Rytting and*

11:10:33 19 *Ms. Scardino.)*

11:10:35 20 **BY MR. RYTTING:**

11:10:35 21 **Q** Okay. So turning again to another conversation that Beckcom  
22 reports having, it says: (Reading) At first, when talking about  
23 the murder case, Prible was taking a position of innocence. He  
24 said that Steve Herrera was his best friend. He said that he  
25 had been screwing Nilda, and that she and Steve had an open

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relationship. He said that he admitted to being at Steve's house that day, but that she [sic] had driven him home --

**THE COURT:** "Steve" had driven him home.

**BY MR. RYTTING:**

**Q** (Reading) Steve had driven him home, and that he had a witness who saw him being dropped off. I later found out that this witness was then 12- or 13-year-old neighbor who had gotten up to use the restroom.

So do you recall any of this conversation? Not at this moment?

**A** No, I don't recall that.

**Q** Okay.

Now, it says here -- and then he keeps talking about you.

It says: (Reading) Foreman and I began to encourage Prible to be honest with us. If we were going to do -- to do business together, there couldn't be any lying to one another. I could tell he was struggling with opening up, but I could tell that he wanted to. We told him that we had -- that he had to be sure that we could trust him, that he was down with us. He would then tell us about some of his military training, that he knows things that nobody knows.

And -- and, Mr. Foreman, you're supposed to be there during this entire conversation. Do you recall anything of this sort being said by Mr. Prible?

**A** No. I don't recall any of that.

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Q Well, do you think it could have happened, or you think that's just -- did -- is something that Mike Beckcom made up?

A Well, you know, after reading this -- this letter, I guess, it sounds like it's been pretty much thought about, you know, scripted or something.

Q Scripted --

**MS. MIRANDA:** Objection. Again, Your Honor, I would just ask that he testify only to what he knows, not to what he's speculating or what he believes.

**BY MR. RYTTING:**

Q Were you --

**THE COURT:** Well, he's -- he's our best witness as to Mr. Beckcom, and his -- what he said is he thinks it's scripted, and that's an opinion, but it's an opinion that all of us can evaluate based on other things he said. I don't think it crosses a line. I'm going to allow it.

**BY MR. RYTTING:**

Q What do you mean by "scripted"?

A Well, none of this is true in here, you know. I don't recall -- you know, even -- you know, sometimes, you know, you'll know what's said and what's not said, and if -- I've -- would have heard certain things, I probably would have remembered certain things that -- you know, that was told to me.

Q And you were -- and just to go back, you were interested at this time, when Prible is talking with you, in getting a time

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1 cut, correct?

11:13:44 2 **A** Yes.

11:13:46 3 **Q** You would be listening to any sorts of confessions he might  
4 make?

11:13:49 5 **A** Yes. I would have listened to that.

11:13:50 6 **Q** Okay. And did -- you were -- and you were also  
7 Mr. Beckcom's cellmate?

11:13:57 8 **A** Yes, I was.

11:13:58 9 **Q** Did you ever see him -- did he ever talk about this letter  
10 with you?

11:14:06 11 **A** No. He never spoke about this letter.

11:14:08 12 **Q** Did you ever see him writing things down about Prible?

11:14:12 13 **A** I can't recall that.

11:14:14 14 **Q** You never -- did you ever -- what -- did you ever see him  
15 composing anything like this letter?

11:14:19 16 **A** No.

11:14:20 17 **Q** Did you ever talk to him about what to go in this letter?

11:14:25 18 **A** Excuse me?

11:14:26 19 **Q** Did you ever talk to him about what might go in this letter,  
20 such as this?

11:14:30 21 **A** No. I've never --

11:14:31 22 **Q** Okay. Now, it says here that Mr. -- again...

11:14:47 23 **MR. RYTTING:** Go up.

11:14:48 24 **BY MR. RYTTING:**

11:14:48 25 **Q** Beckcom writes: (Reading) Once, when I was walking the

**Mr. Rytting Direct of Nathan Foreman**

1 track with him, he said, "Rock, I'm not a sane man. Your  
2 deepest, darkest reaches of your worst nightmare doesn't come  
3 close to me, to what I'm capable of." He then said, "If you" --  
4 "if you tell me, Jeff, I've got a problem with this person or  
5 that person, by 10:00 o'clock tomorrow night you can be having  
6 dinner with your family at a restaurant, and your problem is  
7 solved. It will go away."

11:15:21 8 Do you ever recall Mr. Prible ever saying anything like  
9 that?

11:15:26 10 **A** No, sir.

11:15:26 11 **Q** Does this sound like it was made up by Mr. Beckcom?

11:15:29 12 **A** Yes, sir.

11:15:29 13 **Q** Okay. Did Mr. Prible ever suggest that he could have people  
14 killed for you?

11:15:36 15 **A** No.

11:15:38 16 **Q** And that's a "no"?

11:15:38 17 **A** That's a "no."

11:15:52 18 **Q** We'll turn to another passage.

11:16:04 19 *(Sotto voce discussion between Mr. Rytting and*

11:16:05 20 *Ms. Scardino.)*

11:16:09 21 **BY MR. RYTTING:**

11:16:09 22 **Q** Okay. At some point, Mr. Beckcom writes as follows in his  
23 statement: (Reading) At this point -- and we're not sure what  
24 time -- I quit speaking to him in terms of his innocence. I  
25 plainly said, Where did you leave them -- and talking about the

**Mr. Rytting Direct of Nathan Foreman**

1 bodies -- where they -- where were they found? He said that  
2 Steve was shot in the pool room in the garage and that Nilda was  
3 face down on the couch shot in the back of the head and that she  
4 was partially clothed. I asked how the kids died, and he said  
5 from smoke inhalation.

11:16:50 6 (Reading) I didn't press any further at this point, but now  
7 I knew that he would reveal more in the days to come.

11:16:57 8 Did -- do you recall Mr. Prible ever saying that he shot  
9 the victims in this case?

11:17:02 10 **A** No, I don't.

11:17:03 11 **Q** Was that something that you would remember?

11:17:05 12 **A** Yes.

11:17:06 13 **Q** Why?

11:17:07 14 **A** Because that -- I would have said it then.

11:17:11 15 **Q** You would have informed on him then?

11:17:13 16 **A** I would have informed on that.

11:17:15 17 **Q** Did you -- did you ever tell Ms. Siegler that -- well, did  
18 you contact Ms. Siegler about any of the things that Mr. Beckcom  
19 has talked about?

11:17:25 20 **A** No. No, no, no.

11:17:27 21 **Q** Did you ever tell Mr. -- Ms. Siegler anything that resembles  
22 what Ms. -- Mr. Beckcom is talking about?

11:17:34 23 **A** Not that I recall, no.

11:17:40 24 **Q** And if we scroll down, it says: (Reading) Over the next few  
25 weeks, Foreman and I didn't bring up the murder case or mention

**Mr. Rytting Direct of Nathan Foreman**

1 it unless Prible made mention of it -- made mention of it.

2 During this time, Prible told us that he loved us as brothers

3 and trusted us. He said that he was told -- he has told us

4 things that only he and God know. So I asked how he got in and

5 out without being seen or heard. At this point, all he said was

6 it was -- and then quotation marks, A high-intensity, low-drag

7 maneuver, close quotation marks.

11:18:24 8 What is your understanding of that, Mr. Foreman?

11:18:29 9 **A** Well, all I could say is that he should have been a book  
10 writer or something.

11:18:36 11 **Q** That is -- in other words, that's fiction?

11:18:38 12 **A** That's not true.

11:18:38 13 **Q** That's not true?

11:18:39 14 **A** That's not true.

11:18:40 15 **Q** Is that something you would have remembered?

11:18:43 16 **THE COURT:** Was it the habit of inmates to discuss  
17 their crimes with one another?

11:18:49 18 **THE WITNESS:** Your Honor, not really.

11:18:50 19 **THE COURT:** Because I would think, if -- if counsel's  
20 right, Ms. Miranda's right, that a lot of people are looking for  
21 alleviation from a harsh sentence, you would be very careful  
22 about telling other inmates --

11:19:04 23 **THE WITNESS:** That is correct.

11:19:05 24 **THE COURT:** Yeah.

11:19:05 25 **THE WITNESS:** That is correct, you know. So...



**Mr. Rytting Direct of Nathan Foreman****BY MR. RYTTING:**

Q Would they talk about things maybe they had been sentenced for?

A Correct. That's --

Q But people don't usually talk about what they're accused of?

A People don't usually do that unless it's a -- it's a crime that -- that doesn't amount up to anything.

Q And Mr. Beckcom continues. (Reading) I asked him if he was sure that they didn't have any other evidence, and he said, "Trust me." He told Foreman and me that he was trusting us with his life. He did mention at one point that a detective was telling him that they found blood on his shoe, but that it turned out to be ketchup.

Did Mr. -- what about that statement, Mr. Foreman, about -- do you -- did that statement ever -- did Prible ever make those statements?

A Sir, I never -- no. He never made those statements.

Q Would -- did he ever say he was going to trust you with his life?

A Not that I recall.

Q Okay.

A I mean --

Q And -- and you realize he -- there was -- by now you knew that -- what did you know about the crime, that there was two victims plus three children?

**Mr. Rytting Direct of Nathan Foreman**

11:20:25 1 A Yes.

11:20:26 2 Q And what would happen to somebody on the yard if they  
3 confessed to killing three children?

11:20:31 4 A Well, they wouldn't be on the yard.

11:20:34 5 Q What would happen to them?

11:20:35 6 A They would be in protective custody, I think, called "PC."

11:20:41 7 Q Okay. And what would happen if they stayed on the yard?

11:20:43 8 A Well, I hate to say. I don't know. It wouldn't be good.

11:20:48 9 Q Okay. They would -- might end up facing a violent end?

11:20:52 10 A Right. Correct.

11:20:54 11 Q So -- so, again, this statement that Mr. Prible told you --  
12 told you, Mr. Foreman, that he was trusting you with his life  
13 with the facts of the crime, that is fiction?

11:21:16 14 A It is. It's not true.

11:21:18 15 Q It's not true. Okay.

11:21:27 16 And if we continue on, Mr. Beckcom said he asked Mr. Prible  
17 again -- "I asked him again" -- I'll read. (Reading) I asked  
18 him again how he got in and out without notice, and he said,  
19 "Anybody that can go in a house, take out a whole family and get  
20 out clean, is a bad in motherfucker. I'm that kind of  
21 motherfucker."

11:22:02 22 What is your understanding -- first off, do you recall  
23 that -- did that statement -- did Mr. Prible ever make that  
24 statement, that you recall?

11:22:13 25 A I don't -- I can't recall that, no.

**Mr. Rytting Direct of Nathan Foreman**

Q No.

Well, would you, if someone you were interested in  
testifying against made a statement like that?

A If this gentleman would have said anything as what I'm being  
told he said, I would remember that.

Q All right. Do you recall Mr. Prible ever talking about his  
service record?

A I didn't know he was in Special Ops until I had read this  
letter, or even in the military. I never remember -- I can't  
recall that.

Q So --

A I never knew that.

Q And if we get into this, it says that Mr. Prible told you  
that he was in Special Ops and that he had carried out secret  
missions in which he killed other people for the government.

A No, that's not true. That's not true.

Q That is, you were -- you were -- you did not hear that?

A No, I didn't hear that.

Q So if Mr. Beckcom is saying you were present when Mr. Prible  
confessed to -- said he was in Special Ops and killed others,  
that is a -- that's false; is that correct? You were not  
present?

A That is false.

*(Sotto voce discussion between Mr. Rytting and*

*Ms. Scardino.)*

**Mr. Rytting Direct of Nathan Foreman****BY MR. RYTTING:**

**Q** Well, here -- and just to be sure, this is -- to be clear for the record, if we go up to the statement that Mr. Beckcom said Prible made about his...

*(Sotto voce discussion between Mr. Rytting and Ms. Scardino.)*

**BY MR. RYTTING:**

**Q** Is says here Mr. -- Mr. Beckcom writes that: (Reading) Mr. Prible [sic] told me that he had done many secret missions for the government. He said, "I've gone to other countries and maimed, killed and mutilated people to look like some other cartel had done it. I did this for my country. Things we're not supposed to know about.

(Reading) He told me about a time when --

Well, just -- I'll just stop with that. And, again, did Mr. Beckcom make this up, in your opinion?

**A** Yes. Most definitely.

**Q** Okay. You never heard Mr. Prible say anything like this?

**A** No.

**Q** Okay. Now, you -- do you -- you probably -- do you remember taking a photograph -- a photograph with Mr. Prible, his mother and your mother?

**A** Yes.

**Q** And Beckcom's mother?

**A** Yes, I do.

**Mr. Rytting Direct of Nathan Foreman**

Q Correct? You recall doing that?

You -- did you arrange for that photo, do you recall?

A I don't -- I think we all did.

Q And by "all," you mean Beckcom -- Mr. Beckcom and you?

A Beckcom. I think Prible did, too. I think just all of us, you know.

Q Okay.

A I don't think it was just one person planned it or...

Q Uh-huh. But what was the purpose of that?

A Show we was all affiliated with each other. We were...

Q Okay. And that was for -- to -- to show that you knew Mr. Prible, correct?

A Yes.

Q Okay. And Mr. Prible had only been on the yard for how long?

A I don't know.

Q It was only a couple months, correct, that you were in contact with Mr. Prible?

A I don't recall how long it was.

Q Okay. And at that -- that night, according to Mr. Beckcom, after that picture was taken, he says that: (Reading) Prible then took Foreman and me for a walk to get away from everyone. We walked out to the football field and sat down on the ground. At this point he -- meaning Mr. Prible -- was stressing his loyalty to us and the issue of trust. He seemed to change

**Mr. Rytting Direct of Nathan Foreman**

1 suddenly, to get very edgy and intense. He was thinking back to  
2 the night of the murders.

11:26:56 3 (Reading) He said, "There isn't anything I wouldn't do for  
4 you." He said either his personal or his unit's cadence was,  
5 "Your Honor, don't convict me. I learned to murder in the  
6 USMC!"

11:27:18 7 (Reading) He said that he loves us and would do anything  
8 for us, anything! He then pulled us very close and looked  
9 around to be sure no one was within earshot, and said, "Steve  
10 fucked me. I gave him 250,000 of my hard-earned money to buy  
11 some jacked drugs so we could make a lot more money."

11:27:44 12 And you were supposedly present for this conversation. Did  
13 this conversation actually happen?

11:27:51 14 **A** I can't recall that conversation. I don't recall --

11:27:54 15 **Q** Would this be something that you would recall, if you were  
16 interested in informing on Mr. Prible?

11:27:59 17 **A** Yes.

11:27:59 18 **Q** Okay. But you never -- you don't...

11:28:02 19 **A** No, sir --

11:28:03 20 **Q** Do you --

11:28:03 21 **A** -- I don't.

11:28:04 22 **Q** What did -- do you -- did your roommate make this --  
23 cellmate, Mr. Beckcom, make this up, to the best of your  
24 knowledge?

11:28:14 25 **A** It -- it's -- I know it's made up.

**Mr. Rytting Direct of Nathan Foreman**

Q Okay. What really happened on the night -- on the day of the 24th? Do you recall?

A I don't recall.

Q Was there anything -- was there any point, though, around this time that the picture was taken that alcohol got involved?

A Well, you know, I think alcohol got involved more than one time out on the yard --

Q Okay. Well, tell us --

A -- so it wasn't just that one time, probably.

Q Tell us about alcohol in the prison system.

A Well, it's --

Q What do you know -- what do you know about it?

A It's homemade wine. So...

Q And could -- and was it available on the yard?

A All the time.

Q All the time.

And was Mr. Prible given wine?

A I'm -- yeah, I think he drank -- he's drunk with us before.

Q And what was the purpose of giving Mr. Prible wine?

A Well, trying to get him to confess.

Q So it was to loosen him up?

A Yeah.

Q And on one point, maybe it would -- you don't recall if it was the 24th, but it was -- you -- how drunk did Mr. Prible get?

A Well, he -- I had to escort him back to his unit.

**Mr. Rytting Direct of Nathan Foreman**

1 11:29:26 1 Q So was he -- did he confess -- ever confess, even though he  
2 was drunk?

1 11:29:32 3 A No. He didn't say anything.

1 11:29:34 4 Q Okay. And do you know who made the wine?

1 11:29:40 5 A Oscar.

1 11:29:42 6 Q Oscar was known as the wine -- a winemaker?

1 11:29:44 7 A He was known as the winemaker.

1 11:29:45 8 Q What type of wine was it?

1 11:29:51 9 A I can't remember what kind it was.

1 11:29:52 10 Q Was it grape? Was it tomato paste? Was it --

1 11:29:55 11 A It was wine.

1 11:29:56 12 Q Okay.

1 11:29:57 13 A It was wine.

1 11:29:58 14 Q And was -- did -- in your opinion, was it -- what was the  
15 quality of the wine, at least on this one occasion?

1 11:30:07 16 A Well, I had to help him back to his unit. So...

1 11:30:10 17 **THE COURT:** He was inebriated, right? Definitely had  
18 that effect that wine has?

1 11:30:14 19 **THE WITNESS:** It had the effect. It was alcohol.  
20 Right.

1 11:30:17 21 **BY MR. RYTTING:**

1 11:30:17 22 Q And how would you get the wine on the yard?

1 11:30:19 23 A Well, we had, in the feds -- federal penitentiary, you have  
24 Igloo, like thermals -- water thermals.

1 11:30:29 25 Q Uh-huh.



**Mr. Rytting Direct of Nathan Foreman**

1 11:30:30 1 A And so we would put it in there and walk it out.

1 11:30:33 2 Q Okay. And where was it made?

1 11:30:38 3 A I guess in the unit, I guess.

1 11:30:40 4 Q In the cells?

1 11:30:41 5 A Yeah, sometimes.

1 11:30:41 6 Q Okay.

1 11:30:56 7 *(Sotto voce discussion between Mr. Rytting and*

1 11:30:57 8 *Ms. Scardino.)*

1 11:31:04 9 **BY MR. RYTTING:**

1 11:31:04 10 Q Turning again to Mr. Beckcom's statement, he says:

11 (Reading) Prible was getting very agitated now, almost spitting  
12 as he spoke. He said that Steve then wanted to take Prible for  
13 a ride, and he said that, "This motherfucker" -- referring to  
14 Steve -- "stole my money. Now he thinks he's gonna take me for  
15 a ride and kill me. Fuck him. That was my money."

1 11:31:36 16 Do you recall Mr. Prible ever saying that he was -- that  
17 Steve was going to kill him?

1 11:31:44 18 A No, sir, I don't.

1 11:31:45 19 Q What -- how did he usually talk about Steve, if you recall?

1 11:31:50 20 A As far as I know, they were friends.

1 11:31:52 21 Q And did he ever say -- so he never said that Steve was his  
22 enemy in any sense?

1 11:31:58 23 A No, not -- not that I can remember.

1 11:32:01 24 Q Okay. Let me turn -- let me just read one -- another  
25 passage from this letter. Again, it's -- starts with:

**Mr. Rytting Direct of Nathan Foreman**

1 (Reading) Prible said, "Only you and God know this. You two are  
2 the only ones who could convict me, and I know you're my  
3 brother. I love you. I will do anything for you. If you call  
4 me and say, 'Jeff, I have a problem with this guy, I'll take  
5 care of it. No one will ever know. Steve fucked me. I knew he  
6 was going to kill me."

1 1:32:43 7 (Reading) I was wondering why he thought Steve would kill  
8 him -- okay. Well, let me just stop right there.

1 1:32:49 9 So, again, you and Mr. Beckcom were still intent on -- were  
10 interested in informing on Mr. Prible?

1 1:32:58 11 **A** Yeah.

1 1:32:59 12 **Q** Correct?

1 1:32:59 13 And -- but you -- was this ever said to you, anything like  
14 this?

1 1:33:04 15 **A** No, sir, it wasn't.

1 1:33:06 16 **Q** And did you tell anybody, whether it was -- that anything  
17 like this was -- that you heard anything like this from  
18 Mr. Prible?

1 1:33:14 19 **A** Yes, I would have.

1 1:33:16 20 **Q** You would have done it, if you had heard it?

1 1:33:18 21 **A** If I had heard it.

1 1:33:18 22 **Q** Okay.

1 1:33:19 23 **THE COURT:** Mr. Foreman, does this look like  
24 Mr. Beckcom's handwriting?

1 1:33:24 25 **THE WITNESS:** Your Honor, I can't -- I --

**Mr. Rytting Direct of Nathan Foreman**

**THE COURT:** What --

**THE WITNESS:** I've never seen his handwriting.

**THE COURT:** Okay. But it's written with -- all the words are spelled correctly. All the grammar seems to be correct. Is that representative of the way he talked? Was he -- was he grammatical and accurate in the matter in which he spoke?

**THE WITNESS:** Excuse me?

**THE COURT:** I'm -- this -- this -- lawyers and judges always worry, when they get an affidavit, as to whether it was written by the person whose name appears at the bottom or whether it was written by a lawyer.

And this -- this document has all the words spelled correctly. The grammar is correct. Is that the kind of statement that Mr. Beckcom could have given without any assistance.

**THE WITNESS:** No.

**BY MR. RYTTING:**

**Q** Well, Mr. Foreman, was Beckcom a -- did he have any jobs at the -- in FCI Beaumont?

**A** I can't remember. I don't -- I'm sure he did. Everyone had a job. So...

**Q** Well, did he teach a class?

**A** I don't know.

**Q** You don't know if he taught investment banking? You can't

**Mr. Rytting Direct of Nathan Foreman**

1 recall --

11:34:34 2 **A** No, I can't recall.

11:34:35 3 **Q** Or investments?

11:34:36 4 **A** I can't recall.

11:34:37 5 **Q** No. Okay.

11:34:38 6 And was he -- did he have any other talents? Was he a  
7 guitar player?

11:34:46 8 **A** He played guitar, yeah.

11:34:48 9 **Q** In a band?

11:34:50 10 **A** I guess.

11:34:51 11 **Q** But did you -- again, you never saw him write anything out,  
12 correct?

11:34:54 13 **A** I've never seen him -- I never saw him write anything.

11:35:10 14 **Q** Again, turning to this letter, it says: (Reading) To push  
15 him on a little further, I told him -- meaning Prible -- that he  
16 was a sneaky motherfucker, and I asked how the hell he got over  
17 there and in and out without any witnesses. He said his mom's  
18 house was a couple of miles from there. That's what he was  
19 trained for, high-speed, low drag, in and out. He said, "I'm a  
20 ghost."

11:35:42 21 What -- you're laughing, and why is that?

11:35:46 22 **A** It's -- no. I've never heard that one. I never heard that,  
23 and it's really sounds like he got it off television.

11:35:55 24 **Q** Okay. And safe to say you never told anything like this to  
25 Mr. -- Ms. Siegler?

**Mr. Rytting Direct of Nathan Foreman**

**A** No, I never told anything like that.

**Q** Okay. But you did talk to Ms. Siegler at least on one occasion, and maybe two; is that correct?

**A** Maybe.

**Q** And you talked to her over the telephone --

**A** Yeah.

**Q** -- correct?

And you were interested in informing on Mr. Prible at the time?

**A** At the time I was, yeah.

**Q** You weren't called to -- to testify, though, correct?

**A** That's correct.

**Q** Okay. And do you recall what you told her?

**A** I can't recall. It -- obviously, it wasn't anything because I --

**Q** Because you weren't called to testify?

**A** Right.

**Q** Correct.

*(Sotto voce discussion between Mr. Rytting and Ms. Scardino.)*

**THE COURT:** How close are you to being finished with your direct examination?

**MR. RYTTING:** Um...

**THE COURT:** The reason I'm asking is we need to take a break at some point.

**Ms. Miranda Cross of Nathan Foreman**

**MR. RYTTING:** Well, I could take a break now, if that's --

**THE COURT:** Ten-minute break.

*(Recess taken from 11:37 a.m. to 11:49 a.m.)*

**THE COURT:** Please be seated, everybody.  
Yes, sir, if you would come back, Mr. Foreman.  
Do you need any more water or anything? You got enough?

**THE WITNESS:** Yes, sir.

**MR. RYTTING:** And, Your Honor, I've decided to pass the witness.

**THE COURT:** Any questions of this witness?

**MS. MIRANDA:** Yes, Your Honor. May I proceed?

**THE COURT:** You may. You may. Just get the microphone near your mouth, and that'll work.

**CROSS-EXAMINATION**

**BY MS. MIRANDA:**

**Q** All right. Sorry, Mr. Foreman. We're --

**THE COURT:** No. A little bit closer.

**MS. MIRANDA:** Is that better?

**THE COURT:** Much better.

**BY MS. MIRANDA:**

**Q** All right. Mr. Foreman, my name is Tina Miranda from the Attorney General's office. Have we ever met before?

**A** No, ma'am.

**Ms. Miranda Cross of Nathan Foreman**

11:50:34 1 Q Okay. Can you see me okay?

11:50:35 2 A Yes, ma'am.

11:50:36 3 Q All right. I just want to go over some of the things that  
4 you testified to earlier, and I'm going to try to start  
5 chronologically so we can make it make sense.

11:50:44 6 Now, you testified that Mr. Moreno knew about Prible and  
7 his crimes; is that correct?

11:50:50 8 A Yes.

11:50:51 9 Q All right. What facts did he know specifically? Do you  
10 recall those?

11:50:56 11 A No. I can't recollect exactly.

11:50:58 12 Q And then when did Mr. Moreno start talking to you about  
13 Prible's case?

11:51:06 14 A I can't recall, but it was -- I don't know if it was in the  
15 SHU or on the compound. I think it was in the SHU.

11:51:12 16 Q Okay. And when did you go into the SHU? Would it have  
17 been -- and I know -- I understand you testified you don't  
18 recall the exact dates, but do you remember a season? Was it  
19 winter? Was it spring? Was it summer?

11:51:23 20 A I can't recall.

11:51:24 21 Q You can't recall?

11:51:25 22 A No.

11:51:32 23 Q Let's talk for a second about your meeting with Ms. Siegler.

11:51:38 24 Is it your testimony that you recall meeting with her one  
25 time?

**Ms. Miranda Cross of Nathan Foreman**

11:51:43 1 A I can't recall how many times it was, you know.

11:51:45 2 Q Okay. But you recall at least one?

11:51:47 3 A I can recall one. Yes.

11:51:49 4 Q All right. And do you recall whether that meeting was --  
5 and, again, I understand that you testified that you don't  
6 recall the exact date, but was it shortly after you got out of  
7 the SHU? Was it before the SHU? Was it a long time after the  
8 SHU?

11:52:04 9 A I don't remember.

11:52:05 10 Q You don't remember?

11:52:06 11 A No, ma'am.

11:52:06 12 Q All right. What -- what do you recall about that meeting?

11:52:09 13 Now, you testified that you contacted her and that you met  
14 at Houston -- in Houston at the federal detention center; is  
15 that right?

11:52:16 16 A Yes.

11:52:17 17 Q All right. What do you recall about the content of that  
18 meeting? What did y'all discuss during that meeting?

11:52:23 19 A Well, we discussed, I guess, what -- what happened.

11:52:33 20 Q Okay. What happened?

11:52:35 21 A Whatever we were talking about with Mr. Prible, I guess.

11:52:39 22 Q Okay.

11:52:39 23 A That's all we were discussing was Prible, I think.

11:52:42 24 Q You didn't --

11:52:42 25 A I don't recall.



***Ms. Miranda Cross of Nathan Foreman***

1 11:52:43 1 Q You don't -- okay. You don't recall talking --

1 11:52:45 2 A Exactly what we talked about or how we talked about it, you  
3 know.

1 11:52:48 4 Q Okay.

1 11:52:48 5 A I know we talked.

1 11:52:49 6 Q That's fair enough, and I understand that.

1 11:52:52 7 But I'm just trying to --

1 11:52:54 8 A Yes, ma'am.

1 11:52:54 9 Q -- figure out, as much as we can, what was -- what was said  
10 during that meeting.

1 11:52:59 11 Now, you did discuss Mr. Prible during that meeting; is  
12 that correct?

1 11:53:03 13 A I'm pretty sure we did. Yes, ma'am.

1 11:53:05 14 Q Did you discuss Mr. Herrero -- Hermelio Herrero during that  
15 meeting?

1 11:53:10 16 A I don't remember. I can't recall.

1 11:53:11 17 Q All right. Did you tell Ms. Siegler, during that meeting,  
18 that you had already met Mr. Prible?

1 11:53:17 19 A I believe I -- I don't recall.

1 11:53:19 20 Q All right. Do you recall telling her that you believe the  
21 contact was around January of 2001? Does that sound familiar?

1 11:53:27 22 A No.

1 11:53:28 23 Q Okay.

1 11:53:29 24 A I don't recall that.

1 11:53:30 25 Q All right. Do you recall telling Ms. Siegler that

**Ms. Miranda Cross of Nathan Foreman**

1 Mr. Prible told you that he killed this family and that he  
2 showed no remorse?

1 1:53:39 3 **A** No.

1 1:53:39 4 **Q** Okay.

1 1:53:40 5 **A** I don't recall that.

1 1:53:41 6 **Q** All right. Did you tell Ms. Siegler that you had actually  
7 talked to Prible?

1 1:53:44 8 **A** Yes. I -- because I talked to him. So...

1 1:53:48 9 **Q** Okay. And then what -- what did you tell Ms. Siegler about  
10 your conversations, then, with Mr. Prible?

1 1:53:56 11 **A** Well, the only thing I knew was that he knew the guy -- or  
12 the family, and he used to date the girl, you know.

1 1:54:04 13 **Q** Okay. Did you tell Ms. Siegler whether anyone else was  
14 present during the conversations that you had with Mr. Prible?

1 1:54:14 15 **A** I don't recall.

1 1:54:33 16 **Q** Did you testify at the grand jury in this case for  
17 Mr. Prible?

1 1:54:36 18 **A** No, I didn't.

1 1:54:45 19 **Q** How many times did you -- I apologize.

1 1:54:48 20 How many times did you talk to Ms. Siegler on the  
21 telephone?

1 1:54:52 22 **A** I can't -- I don't remember.

1 1:54:54 23 **Q** You don't remember?

1 1:54:54 24 **THE COURT:** Did you -- did Ms. Siegler ever do you any  
25 good? Did you ever get a reduction in sentence because of

**Ms. Miranda Cross of Nathan Foreman**

1 something she did?

11:55:00 2 **THE WITNESS:** No.

11:55:08 3 **BY MS. MIRANDA:**

11:55:09 4 **Q** Now, that picture that we saw earlier with, I believe you  
5 indicated, among others, Mr. Beckcom, Mr. Dominguez, Mr. Gomez,  
6 Mr. Gonzalez, how did y'all know each other?

11:55:26 7 **A** Well, me and Beckcom were cellies, and the majority of those  
8 guys were from Houston.

11:55:35 9 **Q** Okay.

11:55:35 10 **A** So, you know --

11:55:36 11 **Q** So y'all would hang out because you were from Houston?

11:55:39 12 **A** Yeah.

11:55:47 13 **Q** Did you ever talk to other inmates about Mr. Prible's case?

11:55:54 14 **A** Just the ones that were in that -- other than Beckcom or --

11:56:01 15 **Q** So you didn't talk to --

11:56:03 16 **A** And Jesse.

11:56:04 17 **Q** So you talked to Mr. Moreno about Prible's case. You talked  
18 to Mr. Beckcom.

11:56:08 19 Did you talk to Mr. Gonzalez?

11:56:13 20 **A** I can't recall.

11:56:14 21 **Q** Did you talk to Carl Walker?

11:56:17 22 **A** No. I can't recall that.

11:56:20 23 **Q** Do you know who Carl Walker is?

11:56:22 24 **A** Well, it took me a minute to figure out who he was until I  
25 seen his face. Like I say, it's been over...

**Ms. Miranda Cross of Nathan Foreman**

1 11:56:27 1 Q Okay. But you don't ever recall talking to Mr. Walker about  
2 Prible's case?

11:56:30 3 A No. No.

11:56:36 4 Q Do you recall an inmate, Mr. -- I'm not sure if I say his  
5 name -- Lied-key?

11:56:42 6 THE COURT: Spell it, please.

11:56:44 7 MS. MIRANDA: L-I-E-D-T-K-E.

11:56:46 8 THE COURT: I think that's Lid-key.

11:56:48 9 MS. MIRANDA: Lid-key.

11:56:48 10 BY MS. MIRANDA:

11:56:48 11 Q Do you recall Mr. Liedtke?

11:56:50 12 A No.

11:56:50 13 Q Okay. You didn't know him?

11:56:52 14 A I don't recall him, not by his name, so --

11:56:56 15 Q Okay. Is it your testimony that Mr. Prible did not --  
16 within your hearing, that Mr. Prible did not talk about his case  
17 much?

11:57:06 18 A That's true.

11:57:07 19 Q Okay. So did you ever hear Mr. Prible talk about his case?

11:57:16 20 A Other than, like I said, he was being accused of something  
21 that he didn't do. That's it.

11:57:22 22 Q Okay. Did he talk about the specifics of the case?

11:57:25 23 A No.

11:57:26 24 Q Did he show you a probable cause affidavit?

11:57:29 25 A No.

**Ms. Miranda Cross of Nathan Foreman**

1 Q All right. So if there's testimony in the record at trial  
2 that Mr. Prible liked to talk about his case and talk to a lot  
3 of people about his case, that did not happen within your  
4 hearing or seeing; is that correct?

5 A No, it didn't.

6 Q And you testified earlier about what the potential  
7 ramifications were of an inmate having killed young children or  
8 three young children on -- on the yard. Do you recall --

9 A Yes.

10 Q -- that testimony?

11 All right. Is it safe to say that those people were not  
12 highly regarded in prison?

13 A That's true.

14 Q Okay. Is it safe to say that -- that people might try to  
15 inform on -- on someone who committed that type of crime, such  
16 as yourself, for instance?

17 A That's true.

18 Q All right.

19 A You could say that.

20 Q Now, when you were in prison, did you talk about the facts  
21 of your crime?

22 A Sometimes.

23 Q Okay. If you were charged with a crime, but had not been --  
24 but you had not actually been to trial in that, would you go  
25 around prison talking about the facts of your case?

**Ms. Miranda Cross of Nathan Foreman**

**A** No.

**Q** Tell me why.

**A** It depends on what the crime was.

**Q** Okay. Well, what would your concern be?

**THE COURT:** If it were a serious crime?

**THE WITNESS:** No.

**BY MS. MIRANDA:**

**Q** Okay. Murder?

**A** No.

**Q** Would you go around talking about that?

**A** No.

**Q** Why not?

**A** Really, it wouldn't be nothing to talk about because it wouldn't be no one's business, if that was -- the case was.

**Q** Okay. Would you be concerned that if you talked about your case, that people might inform against you?

**A** Yes.

**Q** You testified that you were interested in informing on Mr. Prible; is that correct?

**A** That's correct.

**Q** Did you speak to your attorney and ask your attorney to contact Ms. Siegler for you?

**A** I did.

**Q** Okay. And why did you ask your attorney to contact Ms. Siegler?

**Ms. Miranda Cross of Nathan Foreman**

11:59:53 1 **A** To see if I would get a time cut.

11:59:57 2 **Q** Okay. And what information did you have at the time that  
3 you were going to offer Ms. Siegler?

12:00:04 4 **A** That he dated -- that he used to mess around with the girl,  
5 and he and the guy were good friends. That's, you know --

12:00:11 6 **Q** Okay.

12:00:11 7 **A** That's the best I could do.

12:00:13 8 **Q** Do you recall ever telling your attorney to let Ms. Siegler  
9 know that you knew about the murder weapon?

12:00:20 10 **A** No, I don't recall that.

12:00:22 11 **Q** Okay. So you don't recall that, or it didn't happen?

12:00:25 12 **A** I don't think I did that.

12:00:26 13 **Q** You don't think you did that?

12:00:28 14 **A** No.

12:00:29 15 **Q** So if your attorney wrote a letter to Ms. Siegler indicating  
16 that you had information about the murder weapon in this case,  
17 that would be false?

12:00:39 18 **A** If I didn't know about it. A murder weapon? No.

12:00:45 19 **Q** Okay. Now, prior to today's testimony, how many times have  
20 you met with Mr. Rytting or Ms. Scardino?

12:01:14 21 **A** I believe two or three times, maybe.

12:01:16 22 **Q** All right. And during those meetings, were you shown any --  
23 any documents?

12:01:24 24 **A** I can't recall.

12:01:25 25 **Q** You don't recall?

**Ms. Miranda Cross of Nathan Foreman**

**A** No, I can't recall.

**Q** Is it possible?

**A** Yeah.

**Q** How long did you meet with them?

**A** I met Mr. Rytting maybe -- this may be my third time meeting him -- third or fourth time meeting him, but maybe my second time meeting Ms. -- I can't say her name, so...

**Q** Scardino?

**A** Scardino, yeah.

**MS. MIRANDA:** May I have a moment, Your Honor?

**THE COURT:** Yes, you may.

*(Sotto voce discussion between Ms. Miranda and  
Mr. D'Hemecourt.)*

**BY MS. MIRANDA:**

**Q** I apologize for going back over this, but do you recall meeting with Ms. Siegler in December of 2001 towards the end of the year.

**A** I -- like I said, I met with her. I just -- I can't --

**Q** You don't recall?

**A** I can't give you the dates. So...

**MS. MIRANDA:** We'll pass the witness, Your Honor.

**THE COURT:** Thank you.

Any redirect?

**MR. RYTTING:** Yes, Your Honor, just a couple of questions.



**Mr. Rytting Redirect of Nathan Foreman**  
**REDIRECT EXAMINATION**

**BY MR. RYTTING:**

**Q** Ms. Miranda asked if you were shown any documents. Were you shown any -- any papers or anything with any writings by me?

**A** Yes, I was.

**Q** Okay. And --

**A** Okay. Yes.

**Q** -- is that -- so by "documents," were you thinking of things like, oh, official documents?

**A** Yeah.

**Q** Okay. Were you shown any photographs?

**A** Yes.

**Q** Okay.

*(Sotto voce discussion between Mr. Rytting and  
Ms. Scardino.)*

**MR. RYTTING:** No further questions.

**THE COURT:** Okay. Mr. Foreman, thank you very much.  
You may step down. You're free to go. Thank you.

**THE WITNESS:** Thank you.

**THE COURT:** Do you wish to call another witness? Do  
you wish to call another witness?

**MR. RYTTING:** Yes, Carl Walker.

**THE COURT:** Mr. Walker.

Is someone going to get Mr. Walker, or are you going  
to be calling him by depo?

**Mr. Rytting Direct of Carl Walker**

**MR. RYTTING:** No. He -- someone's going to be getting Mr. Walker.

**THE MARSHAL:** Someone went outside, Your Honor.

**THE COURT:** Okay.

Mr. Walker, good afternoon, sir. We're going to have you in this seat nearest me up here (indicating).

**THE WITNESS:** Okay.

**THE COURT:** Yes, sir. Before you take your seat, Mr. Rivera will administer the oath, if you could raise your right hand.

*(Witness sworn.)*

**THE COURT:** Okay. You may have a seat. Try to adjust the mic so you speak directly into it, if you would, Mr. Walker.

Okay. You may inquire.

**MR. RYTTING:** Thank you, Your Honor.

**CARL WALKER, DULY SWORN, TESTIFIED:**

**DIRECT EXAMINATION**

**BY MR. RYTTING:**

**Q** Mr. Walker, would you just identify yourself for the Court?

**A** Yes. My name is Carl Walker, Jr.

**Q** Okay. And what are your presently -- what's your present occupation?

**A** I'm an entrepreneur.

**Q** And what do you -- and what is your business?

**A** I own a cell phone, tablet and computer repair company.

**Mr. Rytting Direct of Carl Walker**

Q Okay. And how many employees do you have?

A Five. Well, five including myself.

Q Okay. And what type of company is it? I mean, is it a corporation?

A Yes, it is.

Q So you're incorporated?

A Yes. It's an LLC.

Q And what is the nature of the business?

A The industry I'm in?

Q Yes.

A Repair -- we sell accessories, repair phones, tablets, computers and things of this sort.

Q Okay. And what else do you do as part of your occupation?

A We do onsite services. We go out to businesses and customers' homes to do repairs or -- what do you call that -- consulting.

Q Do you do any teaching?

A Yes, I do teach.

Q What do you teach?

A I teach people how to be technician.

Q Okay. And do you travel for that?

A Yes, I do. I travel to San Antonio, Dallas, all over Texas.

Well, those two cities, I mean. Excuse me.

Q Okay. And when did you get out of FCI Beaumont?

A I believe that was after the hurricane. I don't know, maybe

**Mr. Rytting Direct of Carl Walker**

1 2005 or so.

12:06:30 2 Q When did you get out of FCI Beaumont?

12:06:33 3 A When I got out of F- --

12:06:34 4 Q I'm sorry, not -- when did you get out of BOP, the federal  
5 prison system?

12:06:40 6 A December 22nd of '15 -- 2015.

12:06:45 7 Q So in four years, you've started your own business?

12:06:47 8 A Yes.

12:06:48 9 Q Okay. And you're now teaching --

12:06:51 10 A Yes.

12:06:51 11 Q -- others how to start their own companies?

12:06:55 12 A Either start their business or be in the profession.

12:06:58 13 Q Okay. Turning back to Beaumont FCI, when did you arrive at  
14 Beaumont FCI?

12:07:08 15 A I want to say maybe around the summer of 2000.

12:07:11 16 Q And how old were you at the time?

12:07:14 17 A I believe I was either 26 or 27. I think I just turned 27,  
18 matter of fact.

12:07:20 19 Q And what was your -- what were you convicted of?

12:07:24 20 A I was convicted of conspiracy to possess with intent to  
21 distribute crack cocaine and possession with intent to  
22 distribute crack cocaine.

12:07:33 23 Q And how much time were you facing?

12:07:35 24 A 360 months.

12:07:42 25 THE COURT: 360 months?

**Mr. Rytting Direct of Carl Walker**

**THE WITNESS:** Yes, sir.

**THE COURT:** Thank you.

**BY MR. RYTTING:**

**Q** And -- and that time was reduced, correct?

**A** Yes, it was.

**Q** And why was it -- how was it reduced?

**A** Due to the change of law. The crack law, I believe in 2000- -- want to say '08, and then again in 2011.

**Q** And when you got into prison, what was -- you were only 26 years old, correct?

**A** Twenty-six or 27. I'm not sure, but no older than 27.

**Q** And so you were facing how much time in -- relative to your age?

**A** I would have did as much time as I was alive in prison as I -- as I -- if I -- I would do at least 26, 27 years. So half my life would have been incarcerated.

**Q** Before you got out?

**A** Before I got out. Yes.

**Q** So -- and do you recall the general frame of mind that you were in when you first got in?

**A** Well, to say I was frightened, nervous, terrified, depressed, I mean, the -- it was a whole wealth of feelings, you know. That was my first time being in prison, so I didn't know what to expect. I didn't know how to -- you know, it was just a lot at that age.

**Mr. Rytting Direct of Carl Walker**

Q So do you recognize, in the courtroom, Mr. Jeffrey Prible?

A I do.

Q Okay. And just for purpose of identifying him, where is he sitting?

A Behind you.

Q Okay. And he's wearing?

A Glasses, a striped white shirt --

Q Okay.

A -- I guess.

Q So when did you first hear of Mr. Prible?

A I think it was in 2001 or so.

Q Okay. And where were you when you learned about Mr. Prible?

A I was in Beaumont --

Q Okay.

A -- medium/high.

Q And what did you learn about him?

A I learned that he was coming over from the low facility, and he was under investigation for several murders.

Q Okay. Do you remember any particular details about those murders?

A I remember a lot of details about those murders.

Q And were you aware of those -- how were you -- how did you learn about those?

A When I first got to prison, I was, like I said, very depressed and afraid and all that. So I kind of turned to

**Mr. Rytting Direct of Carl Walker**

1 religion, and I was going to church a lot and all that kind of  
2 stuff -- all that kind of stuff.

1 2:10:35 3 And I had become acquaintances with some people that also  
4 was going to that church at that time -- or the chapel, and I  
5 was kind of approached or recruited, if you will, if I wanted a  
6 blessing, opportunity to get out of jail without having to do  
7 all that sentence.

1 2:10:55 8 Q Okay. And you referred to a "blessing." And so who  
9 approached you about this blessing?

1 2:11:04 10 To the best you recall.

1 2:11:08 11 A I want to say it was Mr. Foreman, but it could have been one  
12 of three people. But I want to say either Mr. Foreman or  
13 Mr. Beckcom, but it could have also been Oscar.

1 2:11:22 14 Q Now, and -- Oscar Gonzalez?

1 2:11:24 15 A Yes.

1 2:11:25 16 Q Okay. And were the -- did -- who -- whoever approached you,  
17 did they already have some information about Mr. Prible's case?

1 2:11:39 18 A Oh, they had a plethora of information about Mr. Prible's  
19 case. They had details, locations, what was found, where the  
20 body was, what happened. I mean, they had everything about  
21 Mr. Prible.

1 2:11:52 22 Q And that was -- was this before you even saw Mr. Prible?

1 2:11:55 23 A This is before I even met him.

1 2:12:06 24 **THE COURT:** The information about Mr. Prible was about  
25 the murders he had not been convicted of, not the bank robberies

**Mr. Rytting Direct of Carl Walker**

he had been convicted of?

**THE WITNESS:** Yes, sir. The bank -- me -- I didn't discover about the bank robberies until later on when I -- maybe after I met Mr. Prible or right before I met Mr. Prible about what his actual case was being in the federal system was.

**THE COURT:** But he was known in connection with the murder case?

**THE WITNESS:** Well, I was approached with the information about the murder case.

**BY MR. RYTTING:**

**Q** So you knew, early on, that Mr. Prible was coming over, and he had serious charges against him?

**A** Yes, I did.

**Q** And you knew the details of those -- some details about those -- those murders?

**A** Yes, I did.

**Q** And the source of those -- that information was not newspapers. It was other inmates?

**A** No. It -- it -- the only -- I mean, my opinion at the time, the only people that could have known that is the individual that either done it or the people that was on the scene when they recovered the bodies.

**Q** Okay. So when you were approached or, as you say, recruited --

**A** Uh-huh.



**Mr. Rytting Direct of Carl Walker**

Q -- now, you were recruited to do what?

A Well, I was basically presented with a proposition that if I didn't want to do all my time, I could be given this information to use to reduce my time, if I testified.

Q And just to -- just to clarify, the proposition was that there was a way for you to reduce your -- your federal sentence?

A Right. I mean, there's no parole or nothing like that in the federal system. So you do about 87 percent of your time. So at 27 years old, I can imagine what getting out at 52 would look like.

So the proposition was, you know, this is a bad guy. He's a bad person, this, that and the third. It doesn't matter, you know. They did this, that and the third, you know. You need to take this opportunity and save yourself.

Q And by being part of a group that -- and by saving yourself, were you recruited to get information from Mr. Prible?

A No. There was no information they needed to get. All the information was already presented to me.

Q Was it to convince -- what was -- what was the purpose, then, of -- I mean, how would you -- well, what were you told to do in order to make this blessing come to life?

**MR. D'HEMECOURT:** Objection, Your Honor, hearsay.

**THE COURT:** I'm concerned that what the petitioner has sketched is a conspiracy, and as a conspiracy, the statements of the coconspirators are admitted notwithstanding rules of

**Mr. Rytting Direct of Carl Walker**

1 hearsay. So I'm going to allow it.

1 2:15:14 2 **A** If --

1 2:15:16 3 **BY MR. RYTTING:**

1 2:15:16 4 **Q** So --

1 2:15:17 5 **A** Yeah. Could you repeat?

1 2:15:18 6 **Q** How were you going -- what was your understanding of what  
7 you needed to do in order to --

1 2:15:23 8 **A** To --

1 2:15:23 9 **Q** -- to make this blessing --

1 2:15:25 10 **A** Right. To -- the blessing part was just how it was  
11 presented to me because of my religious, you know, endeavors at  
12 the time. But, basically, it was a group of individuals in  
13 there that were all in the same unit -- some of us was not in  
14 that unit -- that was all aware of what was going on with  
15 Mr. Prible's case.

1 2:15:49 16 And in regards to what we were expected to do was  
17 collaborate as if we became prison buddies or pals or et cetera,  
18 and then he, all of a sudden, feel compelled to confess all  
19 these horrific things. And then at that point, we supposed to  
20 have written letters to the prosecutor asking to be a witness  
21 or -- or volunteering to be a witness because we was just so  
22 overwhelmed about the information he supposedly give us.

1 2:16:27 23 **Q** Uh-huh. So this was a plan that was discussed amongst  
24 several people?

1 2:16:31 25 **A** Yes. It was discussed, strategized, platted out. I mean,

**Mr. Rytting Direct of Carl Walker**

1 there was things in play before they even came to frutation  
2 [sic]. It was already mapped out.

1 2 : 1 6 : 4 3 3 Q You mean -- "mapped out," you mean it was discussed on the  
4 yard, for example?

1 2 : 1 6 : 4 6 5 A Yeah. It was discussed on the yard what the intentions  
6 were. Like, prior to getting him intoxicated. Prior to having  
7 him in photo shoots. Prior to getting him drugs.

1 2 : 1 6 : 5 8 8 Any- -- anything -- most of the things that was done to  
9 Mr. Prible or to stage the appearance of being close to  
10 Mr. Prible was already preordained.

1 2 : 1 7 : 0 9 11 Q "Preordained" meaning talked about and planned out?

1 2 : 1 7 : 1 2 12 A Yes.

1 2 : 1 7 : 1 2 13 Q And who was involved in that planning?

1 2 : 1 7 : 1 5 14 A The two main individuals was Mr. Beckcom and Mr. Foreman.

1 2 : 1 7 : 2 1 15 Q Were there any others that were part of the discussions?

1 2 : 1 7 : 2 5 16 A There were several others. It was Cat, Oscar -- I mean,  
17 everybody that was in that small group knew, but everybody  
18 didn't actively discuss. Sometimes it was just informative,  
19 like FYI.

1 2 : 1 7 : 4 2 20 **THE COURT:** And where did this plan originate? Did it  
21 originate with Ms. Siegler or with Mr. Beckcom, or where did it  
22 come from?

1 2 : 1 7 : 5 0 23 **THE WITNESS:** To be honest, Your Honor, I don't -- I'm  
24 not sure, but I never thought Mr. Beckcom or Mr. Foreman knew --  
25 I mean, was the orchestration of it.

**Mr. Rytting Direct of Carl Walker**

**THE COURT:** Somebody else was the quarterback?

**THE WITNESS:** Yeah. Because the details they knew and how they knew what they knew was so vivid or so in depth that, like I say, I knew before he got there, and they knew even more than I knew.

**THE COURT:** I see. I see.

**THE WITNESS:** So I don't know. I just assumed it was definitely more -- I was given instructions, a phone number to a prosecutor, Ms. Siegler, and I was instructed to call her and -- and, you know, tell her what I supposedly knew or found out. But I hadn't -- hadn't even had a conversation with the man.

**BY MR. RYTTING:**

**Q** And was that -- and you wrote down that -- that phone number, correct?

**A** Yes. It was in my prison phone book. You could buy phone books in commissary to keep track of all the numbers and names, and I had one -- I don't know. I may have had that book at least ten years or longer.

So I -- I mean, I don't know how long I had it, but I kept it for many, many, many years, and just as I gathered numbers, I would put them in there.

*(Sotto voce discussion between Mr. Rytting and Ms. Scardino.)*

**BY MR. RYTTING:**

**Q** On the screen is Exhibit 32. Have you seen that photograph

**Mr. Rytting Direct of Carl Walker**

1 before?

12:19:56 2 **A** Yes, I have.

12:19:57 3 **Q** And who showed you that photograph?

12:20:01 4 **A** I think I seen that paragraph while I was in prison.

12:20:04 5 **Q** And did I also show you that photograph?

12:20:06 6 **A** Yes. You also showed me that photograph.

12:20:08 7 **Q** And were you able -- are you able to identify who's in that  
8 photograph?

12:20:11 9 **A** I am.

12:20:12 10 **Q** And who is there? Who's in -- who's present?

12:20:15 11 **A** Okay. On the first row, you got Oscar. You have Jeff. You  
12 have Mark. Behind Mark, you have Foreman. You have Cat. You  
13 have Beckcom. The guy in between Beckcom and me, I'm not sure  
14 of his name, but yeah.

12:20:32 15 **Q** Do you know -- did you ever come across a man named Eddie  
16 Gomez?

12:20:35 17 **A** Eddie Gomez, yes.

12:20:37 18 **Q** Is that -- does that look like him?

12:20:39 19 **A** Yes. That may be Eddie.

12:20:41 20 **Q** Okay. And then -- but you're in the photograph as well?

12:20:44 21 **A** Yes, I am.

12:20:45 22 **Q** Okay. And -- and in the middle is Mr. --

12:20:50 23 **A** Prible.

12:20:50 24 **Q** -- Prible?

12:20:51 25 **A** Yes.

**Mr. Rytting Direct of Carl Walker**

Q Okay. And you say you may recall seeing this photograph before?

A Yes, sir. I'm pretty sure I did.

Q Okay. Of course, you were -- you were in the middle of that photograph. You may have gotten a copy of it, even?

A I may have, but that wasn't the purpose of that photograph, for me to get a copy.

Q What was the purpose of that photograph?

A The purpose of that photograph is -- either 95 or 100 percent of everybody in that photograph was in the plot against Mr. Prible.

Q Including yourself at the time?

A Including myself at the time.

Q And the plot against Mr. Prible, again, was...

A To take the information that we were given to try to get some type of sentence reduction for our sentences.

**THE COURT:** Who took the photo?

**THE WITNESS:** The photo was taken by the photographer -- the prison photographer. What happens is when you go to commissary, you prebuy photo tickets, and then on the weekend or whatever appropriate date they allow us to take photos, we take photos.

So all the tickets that's in the photos for what was for Mr. Prible was already prebought because they already had an agenda for those tickets.

**Mr. Rytting Direct of Carl Walker**

**THE COURT:** So it was arranged by whoever arranged the whole effort against Mr. Prible?

**THE WITNESS:** Right. So, I mean, those wasn't my photo tickets, but I can't say if they were Beckcom's photo tickets or Foreman's or whomever. But everybody was instructed to be there to be part of that group.

**THE COURT:** Okay. Thank you.

**BY MR. RYTTING:**

**Q** So it wasn't a spontaneous photograph?

**A** No.

**THE COURT:** Did Mr. Prible think it at all odd that you -- just was a group photo that came together so easily?

**THE WITNESS:** In my opinion, Your Honor, Mr. Prible was very naive in that picture. If anybody'd stick out, it would be him. He's --

**THE COURT:** Okay.

**THE WITNESS:** He's the only one that probably don't really fit.

**BY MR. RYTTING:**

**Q** Okay. You mentioned Kelly Siegler, the prosecutor. And you were given her phone number?

**A** I was.

**Q** Were you aware of whether other people had her phone number?

**A** I think just about everybody in that photo had her phone number with the exception of Jeff.

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Q And so they talked about Ms. -- everybody in that photo, to your knowledge --

A At some point in time discussed either them calling, needing to call, suggesting you call. It -- at one point, it became an issue about solidifying your position because it was feared, I guess towards the end, that Mr. Beckcom and Foreman wasn't as totally forthcoming as we initially expected, and you might get left out of the opportunity, if you will. So...

Q Uh-huh. So -- and the opportunity was to --

A Have a chance to get your sentence reduced.

Q By?

A Testifying on the murder case.

Q Now, were you in the same pod as -- or pod or unit as Mr. Prible?

A No, I was not.

Q Who were you housed with?

A I was housed with Mr. Beckcom, Mr. Foreman and Oscar. And I believe at one point his dad was in the unit with us, as well, Felix.

Q And was Oscar ever your cellmate?

A Yes, he was.

Q When you talked about Prible's case, then, with -- did you ever talk with Foreman and Beckcom in their -- near or in their prison cells?

A Because we was in the same unit, there was different



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occasions where I would talk with either Foreman or Beckcom.

Beckcom was also like a teacher or instructor of some sort. So I had opportunity to speak with him on various occasions because he was, like, into stock or something.

I knew he had kind of lost a lot of money that was his mom's retirement or something to that effect. He would get these monthly printouts of all the money he was losing. So he was really adamant in -- in -- what's the word you would use? He was just really adamant about making this thing out.

**Q** So he could --

**A** So he can get to help his mom because I think he had messed off the whole retirement or something. It was like -- it was a few hundred thousand, to my recollection.

**Q** Okay. So there was some -- do you recall the exact number, or are these numbers that you heard from Beckcom?

**A** No. I seen it on the paperwork myself. It was like, maybe, 2-, \$300,000. I just know at one point or something, he said they had a restaurant, and he was like -- it was -- the money was entrusted to him from his mother, and he was getting these reports from wherever he was doing his trading, and he was just hemorrhaging, and he's like, "I got to get home. I got to get home."

*(Sotto voce discussion between Mr. Rytting and Ms. Scardino.)*

**BY MR. RYTTING:**

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Q Do you recall Mr. Prible ever -- well, let me put it this way: Was Mr. Prible a mark?

A In every sense of the word.

Q And what is -- what sense of the word are you talking about?

A In the sense that he was going to be a scapegoat for several individuals to have an opportunity to get out of prison sooner than later.

THE COURT: Did you know of any other prisoner who was in, the same time as you, who was the same kind of mark?

THE WITNESS: There was one other person. I wasn't part of that --

THE COURT: Okay.

THE WITNESS: I wasn't directly linked to that like I was directly linked to Prible. It was a Hispanic gentleman that the same group of -- some of the members of the same group took part in a little bit before Prible.

THE COURT: Was Ms. Siegler involved with that, too?

THE WITNESS: That's a good question. I want to say yes, but I don't recall.

THE COURT: Okay.

BY MR. RYTTING:

Q And the name of this person was -- is Hermilio Herrero the name of this person?

A That is the person. That is the person.

Q And do you recall who was involved in informing on

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Mr. Herrero?

**A** I remember a person named Jesse. I think Cat had something to do with that. I don't know if Foreman or Beckcom was involved, but they was aware. It was more than aware.

**MR. D'HEMECOURT:** Objection, Your Honor, hearsay.

**THE COURT:** Same ruling. It's a conspiracy, and as part of a conspiracy, such statements are admissible.

**BY MR. RYTTING:**

**Q** Now, was there any discussion or any talk about what you might call as getting a twofer?

**A** You know, it was those opportunities. At that time, Mr. Herrero hadn't been sentenced yet. So -- but he wasn't on the yard. He wasn't on the yard at the time with Mr. Prible.

But, again, that -- that little thing I couldn't be -- personally be a part of that, you know. I wasn't necessarily prompted or offered to be part of that. They was part of the discussions. Everybody knew some of the details involved in that. The ones that was already involved in that, you know, did that, but me, myself --

**MR. D'HEMECOURT:** Objection, I think this is getting into speculation given that he wasn't a part of the Herrero testimony.

**THE COURT:** Let's see. You said this was part of the discussion.

**MR. D'HEMECOURT:** I think it is what happened to

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1 Mr. Herrero. He said he wasn't involved in any planning against  
2 Mr. Herrero.

12:30:08 3 **THE COURT:** You said everybody knew some of the  
4 details involved.

12:30:11 5 **THE WITNESS:** Well, yes, sir. It was discussed, but I  
6 wasn't a participant of --

12:30:16 7 **THE COURT:** So you heard it from somebody else?

12:30:17 8 **THE WITNESS:** I heard from the same individuals in  
9 this case. We discussed what was happening. Some of them were  
10 working on the twofer aspect --

12:30:22 11 **THE COURT:** Okay. All right.

12:30:22 12 **THE WITNESS:** -- but the twofer aspect wasn't one --  
13 applicable to me.

12:30:25 14 **THE COURT:** Okay. Hold on just a second.

12:31:01 15 Yeah. I'm going to allow it.

12:31:02 16 Go ahead. Your next question, Mr. Rytting?

12:31:08 17 **BY MR. RYTTING:**

12:31:12 18 **Q** You mentioned that all the -- we showed you the former --  
19 the previous photograph, Exhibit 32, and you said that  
20 100 percent, if -- or close to that were informing against --  
21 interested in informing against Mr. Prible --

12:31:27 22 **A** Yes.

12:31:28 23 **Q** -- correct?

12:31:29 24 Okay. And they all -- who -- and who was the prosecutor  
25 that they, each one, was in contact with, in your opinion?

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1 2:31:41 1 **A** Well, some of it is really not my opinion. I would just say  
2 Kelly Siegler because I was given the phone number either by  
3 Mr. Beckcom or Oscar, and I know for a fact that -- I could  
4 pretty much say 95 percent of those people called her because it  
5 was always discussing, "Did you call? What was going on?" It  
6 was like updates. It was always updates.

1 2:32:05 7 So anybody could check the prison phone records, and you  
8 would see that there was communication back and forth between --

1 2:32:13 9 **MR. D'HEMECOURT:** Objection, Your Honor, speculation.  
10 He doesn't seem to have person knowledge of what the phone  
11 records say.

1 2:32:18 12 **THE COURT:** Anybody could check the phone records.  
13 You could see there was communication back and forth.

1 2:32:23 14 How do you know that, sir?

1 2:32:24 15 **THE WITNESS:** Because when we -- I know for a fact  
16 because, when I was in prison, they -- they held the records for  
17 four to five years. And because I was in the -- in discussion  
18 with them, I was in the unit with Beckcom, Foreman, and Oscar,  
19 and I knew at times when they actually went to the phone and  
20 called because all of us was in the unit together.

1 2:32:42 21 **THE COURT:** Okay. I'm going to allow it.

1 2:32:44 22 **THE WITNESS:** So I witnessed them making calls.

1 2:32:46 23 **THE COURT:** I'm going to allow it.

1 2:32:47 24 **BY MR. RYTTING:**

1 2:32:47 25 **Q** You witnessed them making calls to Mr. Siegler?

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1 2:32:50 1 A Well, they said that's who they were calling. I mean, I  
2 wasn't standing beside them, but when they'd come back from the  
3 conversation from the phone, you know, we would have  
4 conversations in reference to.

1 2:33:00 5 Q Okay. Were they all -- could they call from their  
6 counselors' phones?

1 2:33:05 7 A They could.

1 2:33:07 8 Q And were -- did you?

1 2:33:08 9 A No. I wasn't privy to what was going on because that's -- I  
10 wasn't, no.

1 2:33:13 11 Q Okay. Now, on the...

1 2:33:32 12 *(Sotto voce discussion between Mr. Rytting and*  
1 2:33:33 13 *Ms. Scardino.)*

1 2:33:52 14 **BY MR. RYTTING:**

1 2:33:59 15 Q I'm going to show you another -- another exhibit, Exhibit --  
16 again, this is Exhibit 32. I guess it's a group exhibit. And  
17 have you seen this -- this photograph before?

1 2:34:12 18 A No, but I knew about that photograph.

1 2:34:15 19 Q Okay. And how did you know about that photograph?

1 2:34:17 20 A Before that photograph was even taken, there was discussed  
21 that that was -- that particular photograph was going to be  
22 taken to establish how close netted [sic] the group was. It was  
23 like -- and that was either between Beckcom and Foreman -- maybe  
24 me and Oscar both was there.

1 2:34:38 25 It was a group, and they had discussed that they were going

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1 to take pictures with each one of their mother or family member  
2 or something in the visiting room. So I never seen this actual  
3 photo until now, based on my recollection, but I knew that this  
4 event took place.

1 2 : 3 4 : 5 5 5 Q Okay. And can you identify some of the people in that  
6 photograph?

1 2 : 3 5 : 0 3 7 A Only three. Mr. Foreman, Mr. Beckcom and Mr. Prible.

1 2 : 3 5 : 1 1 8 Q So when you say this was discussed beforehand --

1 2 : 3 5 : 1 5 9 A Right.

1 2 : 3 5 : 1 6 10 Q -- would it -- would it have to be discussed, you know,  
11 hours beforehand or days?

1 2 : 3 5 : 2 0 12 A No. It was discussed way prior than I was -- the discussion  
13 went something like -- the whole plot or the plan was to create  
14 a picture of close intimacy with Mr. Prible, a close connection.  
15 So the -- the way you create -- the way it was being created was  
16 to show that, like, his family was with their family, or we all  
17 was in group pictures or individuals with him.

1 2 : 3 5 : 4 7 18 It was -- it's to create -- it was all to create -- I don't  
19 know. A picture is the best way I can describe it. You're  
20 trying to show that he would be comfortable enough or confident  
21 enough in your friendship to give you this information.  
22 Otherwise, it was -- there was no basis, you know.

1 2 : 3 6 : 0 6 23 Q For him to confess?

1 2 : 3 6 : 0 7 24 A Exactly.

1 2 : 3 6 : 1 4 25 Q Now, why do you remember this -- was there any other --

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1 anything else that was -- any other activities that were part of  
2 the plan in -- of showing Prible's friendship and camaraderie  
3 that was connected with this photo op?

1 2 : 3 6 : 4 2 4 **A** I don't know if it's -- necessarily was connected with the  
5 photo op, but there was plans to get him intoxicated --

1 2 : 3 6 : 4 8 6 **Q** Okay.

1 2 : 3 6 : 4 8 7 **A** -- you know.

1 2 : 3 6 : 4 9 8 **Q** And that -- and were you part of those plans?

1 2 : 3 6 : 5 2 9 **A** I was part of those plans.

1 2 : 3 6 : 5 3 10 **Q** And who else was part of those plans?

1 2 : 3 6 : 5 6 11 **A** Oscar. Oscar -- Oscar and I used to make hooch, or wine, in  
12 the prison system.

1 2 : 3 7 : 0 3 13 **Q** And how is that possible?

1 2 : 3 7 : 0 7 14 **A** It's not as hard as one would think. Some really hot water,  
15 some sugar and some fruits or potatoes or tomatoes, and it'll  
16 fester, given enough time.

1 2 : 3 7 : 2 1 17 **Q** Oh, so what you had to do was conceal it --

1 2 : 3 7 : 2 4 18 **A** Right.

1 2 : 3 7 : 2 4 19 **Q** -- while it was brewing?

1 2 : 3 7 : 2 5 20 **A** Conceal it. We would have to hide it and conceal it while  
21 it was brewing, yes.

1 2 : 3 7 : 3 0 22 **Q** And was a particular batch of alcohol made for the purpose  
23 of giving it to Mr. Prible?

1 2 : 3 7 : 3 5 24 **A** As a matter of fact, there was. There was some grape wine  
25 made for Mr. Prible.



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Q And what's significant about grape wine?

A I don't know it's significant. One of the things about the grape wine is -- from being a person that made wine, it takes longer to form it than any other one. Any -- the average wine takes maybe ten days or so given -- give or take. But grape wine takes about 30 days. It takes -- it takes a while for it to ferment because it has the natural sugars, and then it has all the sugars that you put into it.

So you can't make it in bulk. You can't make a whole lot of it. Where we would make two, three, maybe 4 gallons of some of the other kind of wine, this one you would have to make maybe a gallon or real small amount because it took so long to ferment, trying to hide it for a month is a very difficult task versus trying to hide it for 10 days or 12 days or something.

Q Okay. And what are some of the other things that you said you could make wine out of? Potatoes?

A Yes. We, actually, could make white lightening. You could actually make a distillery and distill the alcohol off the wine and make liquor.

Q And by wine you mean just anything that's fermented. It's not -- not like grape wine or anything like that, but there's --

A Yeah. We had guava --

Q -- like --

A Yeah. Guava wine. They sold guava paste on the commissary, so we used guava paste. We used -- you could use ketchup. You

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1 can use tomato paste. You can use orange juice. You can use  
2 oranges. Any fruit, any -- all kinds of stuff will ferment and  
3 make wine.

1 2 : 3 9 : 0 6 4 Q So when it came to making this batch of wine, was it  
5 understood, basically from the beginning, that it was going to  
6 be for Mr. Prible?

1 2 : 3 9 : 1 1 7 A The grape wine was specifically for Mr. Prible.

1 2 : 3 9 : 1 5 8 Q Okay. And was it your understanding that Foreman and  
9 Beckcom knew this and were going to --

1 2 : 3 9 : 2 1 10 A Everybody was aware of it. Everybody was under the gazebo.  
11 Everybody was, you know, drinking or participating. Mr. Prible  
12 got really drunk where he needed assistance, but everybody  
13 participated.

1 2 : 3 9 : 3 4 14 It was -- again, you're painting a picture here like you're  
15 good buddies, prison buddies, drinking buddies, taking-pictures  
16 buddies. It's all to establish that he would trust you enough  
17 to confide.

1 2 : 3 9 : 4 9 18 Q Was it the point to get his -- well, you know, when people  
19 get drunk, they sometimes forget themselves and say things they  
20 shouldn't. Was that part of the motive?

1 2 : 4 0 : 0 1 21 A I think that was definitely part of the motive, but it  
22 really didn't matter if he got drunk and decided to confide or  
23 not because even before he was -- before all that even took  
24 place, the knowledge was already there, you know. That was more  
25 of a formality, like, you would go through the motions. You

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would set it up.

So it's just to establish a closeness that, Hey, we go out. We drink. We hang out, you know, do this, do that. So it's -- if he would have confessed, I mean, what -- it was done to establish the intimacy of our group.

**Q** But to your knowledge, did he ever confess?

**A** To my knowledge, Mr. Prible never confessed.

**Q** Okay.

**THE COURT:** Did Ms. Siegler or any other prosecutor ever do you any good in terms of shortening your time?

**THE WITNESS:** No, sir. Prior to the Prible case coming to a head, I --

**THE COURT:** You got your time shortened. I know that.

**THE WITNESS:** No. No, no, no. It wasn't -- I got my time shortened years after the Prible deal from the change of law. But prior to that situation, I was just kind of cut out of the loop or -- not necessarily cut out of the loop, but I kind of just fell to the wayside, for lack of a better word.

**THE COURT:** Was it because you were not fully enthusiastic about the process or because you weren't as close to Mr. Prible, or for some other reason?

**THE WITNESS:** No, it was that I was wasn't fully enthusiastic about the process. I mean, we had many conversations trying to rationalize or justify what was being done or why it was okay. But even though I was fearful and,

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1 initially, I was on board, at some point it -- it just -- I  
2 don't know. I just exactly -- exactly what -- how to describe  
3 it. It just didn't work out.

1 2 : 4 2 : 0 4 4 **THE COURT:** Okay.

1 2 : 4 2 : 1 2 5 **BY MR. RYTTING:**

1 2 : 4 2 : 1 2 6 **Q** Now, you -- you mentioned that part of the -- the plans was  
7 to -- to write a letter to Ms. Siegler?

1 2 : 4 2 : 2 3 8 **A** Yes.

1 2 : 4 2 : 2 3 9 **Q** Okay. And did -- did you ever write one yourself?

1 2 : 4 2 : 2 9 10 **A** No. I signed one, but I didn't -- I didn't actually write  
11 it.

1 2 : 4 2 : 3 3 12 **Q** Okay. And was this letter sent sometime in May of 2000- --

1 2 : 4 2 : 3 8 13 **A** It may have been. I don't exactly remember the time it was  
14 sent.

1 2 : 4 2 : 4 1 15 **Q** Okay. Of 2002, I mean. You don't recall the time?

1 2 : 4 2 : 4 3 16 **A** Yeah. I don't recall the times.

1 2 : 4 2 : 4 5 17 *(Sotto voce discussion between Mr. Rytting and*  
1 2 : 4 2 : 4 6 18 *Ms. Scardino.)*

1 2 : 4 2 : 4 7 19 **BY MR. RYTTING:**

1 2 : 4 2 : 4 7 20 **Q** Okay. And I'm putting up on the screen the letter that  
21 you...

1 2 : 4 3 : 2 4 22 **A** Uh-huh.

1 2 : 4 3 : 2 4 23 **Q** And if we scroll down, do you recognize this letter?

1 2 : 4 3 : 2 7 24 **A** I do.

1 2 : 4 3 : 2 9 25 **Q** And if we --

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**MR. RYTTING:** Keep scrolling.

**BY MR. RYTTING:**

**Q** Okay. In this -- and is that your signature?

**A** It is.

**Q** Okay. So -- but you say you did not type up this letter?

**A** No. I didn't type it, nor did I write it, per se.

**Q** Did you --

**A** It was discussed what was the contents of the letter and what it would say. If you go to the top of the letter, how you see all the individuals' names, Mr. Foreman, Mark, the whole idea of the structure is this letter is for everybody to be kind of like a confirmation of the other person, right?

So one could justify, one could solidify the other's thing. You know what I mean? I don't know if I'm saying it correctly.

**THE COURT:** So you'd corroborate one another's story?

**THE WITNESS:** Right. That's what I'm trying to say.

**A** It's set up -- the letter was written as if we all can corroborate each other's story. It's not like, for instance, Mr. Prible came and confessed to me, or he came and confessed it to somebody. It was always one of us or somebody had to be there to corroborate what the other one is saying or what everybody's saying we heard or seen.

So it's always a mention or some type of something, you know. That's how it was told to be constructed.

**BY MR. RYTTING:**

**Mr. Rytting Direct of Carl Walker**

Q Or that's how you agreed to construct it?

A Right.

Q And getting back to the -- the photograph of the --  
Exhibit 32, which was of Prible's mom and -- well, you  
identified three persons, Prible --

A Right.

Q -- and Mr. Beckcom and Mr. Foreman. And is it your  
understanding, now, that these were their relatives or parents?

A It is.

Q Uh-huh.

And this was -- we have a -- and this was -- can you see  
the date down there? It says November 24.

A Uh-huh.

Q Do you have -- do you recall approximately when this was  
taken, or no?

A No, I do not.

Q Okay. But you don't have any -- but so that -- the date  
might be correct, though?

A It may be correct. It may not. I'm not sure.

Q Okay. Was this one of the last things that was done in the  
conspiracy, that you recall?

A Again, I wasn't present for this photo. I knew about the  
photo. If it was the last thing or not, I'm not sure because,  
like I stated, at one point towards the -- as things was coming  
to a head, Mr. Beckcom and Mr. Foreman started being real

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1 close-knit. They wasn't as forthcoming as initially.

1 2:46:39 2 Q Okay.

1 2:46:39 3 A And towards the end, I kind of fell to the wayside.

1 2:47:20 4 Q You were in FCI Beaumont for -- you know, until 2005,  
5 correct?

1 2:47:25 6 A Correct.

1 2:47:25 7 Q And what happened then?

1 2:47:31 8 A A hurricane hit the prison, and I was shipped -- I was  
9 shipped to Yazoo, Mississippi.

1 2:47:39 10 Q Okay.

1 2:47:40 11 THE COURT: Another federal prison?

1 2:47:42 12 THE WITNESS: Yes, sir, another federal prison.

1 2:47:43 13 BY MR. RYTTING:

1 2:47:43 14 Q And how many inmates from Beaumont were shipped to Yazoo?

1 2:47:47 15 A My recollection is between 6-, maybe 800 of us. It was a  
16 large portion. The whole prison was evacuated and divided into  
17 mini prisons.

1 2:47:56 18 But I remember when we got to Yazoo, a lot of units was not  
19 even open yet, and it may have been, like, 2- or 300 people on  
20 the yard. But when we got there, the population jumped up to,  
21 maybe, 800 or -- it was a lot. It was several hundred of us.

1 2:48:11 22 Q Okay. And was one other person that was transferred a  
23 former roommate of yours?

1 2:48:19 24 A No. He wasn't a roommate of mine. He was a -- a friend of  
25 mine, associate of mine, but we was never roommates.

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1 2:48:28 1 Q What was his name?

1 2:48:29 2 A I knew him as Smiley. In jail, people really didn't use  
3 their government names. They used nicknames. So -- but his  
4 last name is Wilson. I don't know his first name.

1 2:48:39 5 Q Okay. So you just knew him as Smiley Wilson?

1 2:48:42 6 A That's all.

1 2:48:43 7 Q Okay. And he was with you at FCI Beaumont, correct?

1 2:48:46 8 A He was. Correct.

1 2:48:47 9 Q And then he -- and he was one of the group transferred to  
10 Yazoo?

1 2:48:53 11 A He was definitely one of the people transferred to Yazoo.

1 2:48:55 12 Q And at some point did he approach you in Yazoo about  
13 Mr. Prible?

1 2:49:00 14 A He did.

1 2:49:00 15 Q Okay. What was that about?

1 2:49:03 16 A Mr. Wilson had some information about what had happened to  
17 Mr. Prible. Due to our relationship, I had revealed some things  
18 to him about it. None that really put me in a bad light, but I  
19 kind of revealed some things to him about the case.

1 2:49:23 20 And he had another -- I believe the other Walker was his  
21 roommate or in his unit, that was getting letters from an  
22 attorney with information, the details that he remembered that I  
23 had discussed with him.

1 2:49:38 24 Q So Mr. Smiley informed you that another Walker was --

1 2:49:41 25 A Yes.



**Mr. Rytting Direct of Carl Walker**

- 1 2:49:43 1 Q Does the name Larry Walker --
- 1 2:49:45 2 A Larry Walker, yes.
- 1 2:49:46 3 Q And so Prible's attorneys were trying to contact a Walker,  
4 but they were writing a Larry Walker?
- 1 2:49:51 5 A That was writing the wrong Walker. They were writing Larry  
6 Walker. Correct.
- 1 2:49:55 7 Q Okay. And these -- the letters -- some of these -- did you  
8 -- did Mr. Smiley eventually give you some of these letters, or  
9 did Larry Walker do it?
- 1 2:50:03 10 A No. I think, based on my recollection, me and Smiley talked  
11 about it. He grabbed one of the letters from Larry and end up  
12 bringing me the -- bringing me the letter or giving me the  
13 letter.
- 1 2:50:20 14 Q Okay. And was this letter written to Larry in Beaumont?
- 1 2:50:25 15 A Best of my recollection. I'm not sure, exactly. I don't  
16 recall the address that it was sent to, whether it was Beaumont  
17 or Yazoo. But best of my recollection, it was -- it was  
18 Beaumont.
- 1 2:50:37 19 Q Okay. And when you read the letter, was it clear that  
20 Mr. --
- 1 2:50:41 21 A I automatically knew what it was, who it was. I knew the  
22 whole thing.
- 1 2:50:48 23 Q And that his attorneys were trying to reach --
- 1 2:50:50 24 A Yeah.
- 1 2:50:50 25 Q -- someone named Walker?

**Mr. Rytting Direct of Carl Walker**

**A** I automatically knew. So I -- I kind of played it off like it wasn't no real big deal to Smiley. Like, Oh, yeah, I think I know this guy, wa, wa, wa. And I think I may have eventually contacted Prible's attorney or reached out to him or something like that letting him know I was the right Walker, and they were communicating with the wrong Walker.

**Q** Okay. And was this the first communication the first time you reached out to Mr. Prible, that you can recall?

**A** That is, based on my recollection, the first time I ever reached out.

*(Sotto voce discussion between Mr. Rytting and Ms. Scardino.)*

**THE COURT:** Are you fairly near your -- the end of this testimony?

**MR. RYTTING:** I am near the end of his testimony, yes, Your Honor.

**THE COURT:** Okay. Just try to wind it up. We'll take our lunch break.

**MR. RYTTING:** Okay.

*(Sotto voce discussion between Mr. Rytting and Mr. Scardino.)*

**MR. RYTTING:** Your Honor, I'll pass the witness.

**THE COURT:** Okay. We'll adjourn till 1:30.

*(Lunch recess taken from 12:52 p.m. to 1:33 p.m.)*

**THE COURT:** Okay. With regard to Ms. Siegler, please

**Mr. D'Hemecourt Cross of Carl Walker**

1 communicate with her that I'd like her to contact you or the  
2 Court and set a time where she can be available to answer  
3 questions. If she's doing TV work, it ought to be especially  
4 easy for us to rig up some kind of connection, video or  
5 otherwise.

1 3 : 3 4 : 0 3 6 The only time that's unavailable this week, for  
7 certain, is Friday morning. Any other time will be workable.  
8 And I'm sorry to inconvenience everybody else, but I think  
9 it's -- it's necessary. We need to hear from her.

1 3 : 3 4 : 2 2 10 Okay. You're going to cross?

1 3 : 3 4 : 2 7 11 **MR. D'HEMECOURT:** Yes, Your Honor.

1 3 : 3 4 : 2 8 12 **THE COURT:** Please proceed.

**CROSS-EXAMINATION**

1 3 : 3 4 : 2 9 14 **BY MR. D'HEMECOURT:**

1 3 : 3 4 : 3 0 15 **Q** My name's George d'Hemecourt. I'm with the Attorney  
16 General's office.

1 3 : 3 4 : 3 3 17 First of all, have we ever spoken before?

1 3 : 3 4 : 3 6 18 **A** Not to my knowledge, no.

1 3 : 3 4 : 3 7 19 **Q** Have you had any conversations with anyone at our office?

1 3 : 3 4 : 4 1 20 **A** I don't know where your office is, so no.

1 3 : 3 4 : 4 3 21 **Q** With anyone at the Attorney General's office?

1 3 : 3 4 : 4 5 22 **A** Not to my knowledge, no.

1 3 : 3 4 : 4 6 23 **Q** Thank you.

1 3 : 3 4 : 4 8 24 You testified a little bit about Hermelio Herrero. Have  
25 you met Mr. Herrero?

***Mr. D'Hemecourt Cross of Carl Walker***

**A** I have.

**Q** Have you spoken about Mr. Herrero's case or Mr. Prible's case with Mr. Herrero?

**A** I have.

**Q** And how many conversations have you had with him?

**A** I would say not many. I can't recall the exact number.

**Q** Do you know how you came in contact with Mr. Herrero?

**A** Based on my memory, I had went back to the state court because I was on probation when I caught my federal case, and I had got the probation dismissed. And in the transit back from the Harris County going back to Beaumont prison, Mr. Herrero was on that bus with me.

**Q** And what did you talk about with Mr. Herrero?

**A** Initially, we didn't talk about nothing until we realized who we were. Then, once we realized who we were, and we realized we knew the same people, and he told me his name, then I knew who he was, and, you know, I was like, Wow.

**Q** Okay. And did he try to get you to write an affidavit for his case?

**A** He did.

**Q** Did you do that?

**A** No, I did not.

**Q** Why did you not write an affidavit for his case?

**A** Beaumont Medium is a very volatile, violent place, and if anyone was suspected of telling on somebody, told on somebody,

**Mr. D'Hemecourt Cross of Carl Walker**

1 or involved in that, it could have repercussions and  
2 consequences. I had a 30-year sentence, and I didn't know what  
3 he was going to do with that. I mean, I was always skeptical on  
4 my involvement.

13:36:36 5 Q Okay. And you testified that you did sign a letter that was  
6 sent to Ms. Siegler; is that correct?

13:36:44 7 A I did.

13:36:45 8 Q And did you have any in-person conversations with  
9 Ms. Siegler or any phone calls with Ms. Siegler?

13:36:51 10 A I called Ms. Siegler, based on my recollection, I don't  
11 know, maybe once or twice. I don't recall if I talked to her  
12 directly. I can't say. It's been a while.

13:37:02 13 But I do know for a fact that I made more than at least one  
14 attempt to reach out to Ms. Siegler because that's what I was  
15 instructed to do.

13:37:15 16 Q And did she give you any -- any details about Mr. Prible's  
17 case?

13:37:20 18 A She, personally? No, she did not.

13:37:22 19 Q Did she offer you any sort of deal?

13:37:24 20 A She, no, did not.

13:37:26 21 Q Did she ask you to --

13:37:27 22 THE COURT: Well, you're not sure you even spoke with  
23 her. So --

13:37:30 24 THE WITNESS: Right.

13:37:30 25 THE COURT: So she couldn't have offered you a deal,

**Mr. D'Hemecourt Cross of Carl Walker**

1 if you didn't speak.

13:37:33 2 **THE WITNESS:** Right.

13:37:33 3 **THE COURT:** Okay. All right.

13:37:34 4 **BY MR. D'HEMECOURT:**

13:37:35 5 **Q** Well, to clarify, do you recall if you spoke with her?

13:37:37 6 **A** No. I have no recollections of actually speaking with her.

7 I only know that I did make an attempts to contact her, but I

8 don't -- I don't remember if we spoke or not.

13:37:46 9 **Q** Okay. And not to retread any of your previous testimony,

10 but do you recall when you were first approached by another

11 inmate about Mr. Prible's case?

13:38:09 12 **A** I want to say it was in 2001.

13:38:12 13 **Q** Okay.

13:38:14 14 **A** I -- the exact month or time, I would be speculating if I

15 was to try to pinpoint.

13:38:19 16 **Q** And do you recall who approached you?

13:38:23 17 **A** I know it was one of three people. The reason I can't --

18 can't be sure about the individual is because we were all in the

19 same unit. Oscar and I were cellies, so we were closer than me

20 and the other guys. And some of the other people were already

21 involved in the Herrero deal.

13:38:44 22 So I'm not sure exactly who told me what. I was just being

23 fed the information of who gave me the opportunity. Beckcom

24 used to go to church. Foreman used to go to church. Oscar

25 didn't go to church that much. His dad would come and see me

**Mr. D'Hemecourt Cross of Carl Walker**

1 sing in the choir or something sometimes, but, you know, I'm  
2 just not sure on which one presented me directly.

13:39:10 3 Q And was Mr. Foreman there initially when you were first  
4 approached? I don't know if -- even if he didn't necessarily  
5 first approach you, was he -- was he present when you were first  
6 approached?

13:39:24 7 A I don't recall if he was present. I'm not sure he's not the  
8 person that initially initiated me being involved. So I'm not  
9 sure.

13:39:33 10 Q And you testified that you had some specific details about  
11 Mr. Prible's crime, correct?

13:39:39 12 A I did. I do.

13:39:40 13 Q When did you get those details?

13:39:44 14 A I think the details came into play once I agreed to take  
15 part of the -- the deal. Whatever you call it.

13:39:57 16 Q And do you recall around when that was?

13:40:04 17 A It was before I met Mr. Prible. That's for sure.

13:40:07 18 Q Do you recall when you met Mr. Prible?

13:40:14 19 A No, not exactly.

13:40:16 20 Q I believe you testified that you had a conversation with  
21 Foreman and Beckcom in their shared cell?

13:40:24 22 A Yes. And I did have a conversation with either or both of  
23 them at various times in their cell.

13:40:31 24 Q Did -- do you recall if that's when you first got details of  
25 the -- of the crime?

**Mr. D'Hemecourt Cross of Carl Walker**

13:40:42 1 **A** First? I don't know if that's when I first got it. I  
2 can't -- I can't say that's when I first got it. I know I  
3 did -- we did discuss details at -- in their cell because those  
4 are the type of things you couldn't discuss openly. So you  
5 would have to discuss it somewhere in private.

13:40:57 6 So, you know, it's not like we could walk on the yard and  
7 risk being overheard, or in the chow hall and somebody  
8 listening.

13:41:05 9 **Q** And do you recall what specific details were conveyed to  
10 you?

13:41:12 11 **A** I was told about how people died or where their body was or  
12 what evidence that linked Mr. Prible to the crime, who died in  
13 the fire, stuff like that.

13:41:28 14 **Q** Okay. And did Mr. Prible ever give you any details about  
15 his crime, or did he ever ask you for any legal advice?

13:41:38 16 **A** No, sir.

13:41:40 17 **Q** How many times did you speak with Mr. Prible?

13:41:45 18 **A** I can't put a number on that. I don't --

13:41:48 19 **THE COURT:** More than a dozen, or less than a dozen?

13:41:50 20 **THE WITNESS:** I would probably say less than a dozen.

13:41:55 21 **BY MR. D'HEMECOURT:**

13:41:55 22 **Q** And did he ever show you a probable cause affidavit from his  
23 case?

13:41:58 24 **A** Mr. Prible?

13:42:00 25 **Q** Yes.



**Mr. D'Hemecourt Cross of Carl Walker**

13:42:00 1 **A** I don't recall him doing that.

13:42:04 2 **Q** Okay. Were you aware that Mr. Prible asked for legal advice  
3 from any other inmates?

13:42:11 4 **A** I think so. I think so. I'm not sure.

13:42:14 5 I knew there was a guy there that used to be an attorney  
6 that used to help people out, but I'm not sure if Mr. Prible  
7 asked him for his help or not, but it's possible.

13:42:23 8 **Q** Is that a Mr. Liedtke? Does that sound familiar?

13:42:28 9 **A** Could be. I don't remember the guy's name verbatim, but  
10 it's possible.

13:42:34 11 **Q** Were you aware if you were ever on a witness list for  
12 Mr. Prible's case?

13:42:41 13 **A** I am aware that I was on a witness list for Mr. Prible's  
14 case, yes.

13:42:48 15 **MR. D'HEMECOURT:** May I have a moment, Your Honor?

13:42:49 16 **THE COURT:** Yes, you may.

13:42:50 17 *(Sotto voce discussion between Mr. D'Hemecourt and*  
13:42:51 18 *Ms. Miranda.)*

13:42:53 19 **BY MR. D'HEMECOURT:**

13:42:53 20 **Q** How did you know you were on the witness list?

13:42:58 21 **A** The same guy that I say may have known Mr. Prible -- or you  
22 asked me did he ask -- Mr. Prible ask somebody for help. That  
23 gentleman actually told me he seen my name on a witness list.

13:43:18 24 **Q** Okay.

13:43:19 25 **A** Uh-huh.

**Mr. Rytting Redirect of Carl Walker**

Q And you testified about Oscar Gonzalez, correct?

A Uh-huh.

Q Did you recall that Mr. Gonzalez knew the victims in Mr. Prible's case?

A He may have.

Q Okay. But do you have any specific recollection of that?

A I think he did. I'm pretty sure he did, but I can't say for sure. I think if he didn't have direct knowledge of them, I think, for sure, Mark did, or maybe him and Mark. I'm not sure.

It was one or the other or both. I'm not sure which one of them knew the family personally.

Q And you know they knew Prible or the family -- or the victim's family from their childhood. Is that what you understand?

A No. I don't know if it's from -- I don't know if they knew him from child- -- I don't know how long they knew them. I just know one or the two or both was aware of the family.

Q Okay.

**MR. D'HEMECOURT:** I'll pass the witness.

**THE COURT:** Thank you.

Any redirect?

**MR. RYTTING:** Just a couple of questions, Your Honor.

**REDIRECT EXAMINATION**

**BY MR. RYTTING:**

Q You mentioned that you -- you believed that you were on a

**Mr. Rytting Redirect of Carl Walker**

1 witness list, correct?

13:44:34 2 **A** Yes --

13:44:35 3 **Q** Okay.

13:44:35 4 **A** -- I do.

13:44:37 5 **Q** Did you -- I mean, did you ever see a witness list with your  
6 name on it?

13:44:41 7 **A** Not that I can recall, no.

13:44:42 8 **THE COURT:** Did anybody talk to you about what your  
9 testimony would have been? It doesn't sound like you would have  
10 anything to contribute to a trial of Mr. Prible.

13:44:48 11 Did anybody talk to you about why you were being on a  
12 witness list?

13:44:56 13 **THE WITNESS:** Did anybody talk to me why I would?

13:44:58 14 **THE COURT:** Yeah. Did anybody say, "What kind of  
15 testimony can you provide?"

13:45:02 16 **MR. RYTTING:** May --

13:45:04 17 **THE WITNESS:** No. I don't -- I don't know. No. Did  
18 anybody ask me what type of testimony -- like anybody from  
19 where, like the prisoners?

13:45:11 20 **THE COURT:** No, from the government's office.

13:45:14 21 **THE WITNESS:** No. Nobody on the government office,  
22 that I can recollect, spoke to me --

13:45:19 23 **THE COURT:** Okay.

13:45:19 24 **THE WITNESS:** -- directly, no.

13:45:21 25 **THE COURT:** Okay.

*Mr. Rytting Redirect of Carl Walker*

BY MR. RYTTING:

Q I just have one -- one question.

You mentioned the letters that you wrote --

A Uh-huh.

Q -- and you saw the letter that you signed?

A Yes.

Q And you said that you did not type that letter, correct?

A No, absolutely did not.

Q Do you know who did?

A I believe it was Mr. Beckcom. It could have been -- because the thing about the letters is, you can't type a letter like that in open. The only place to type letters is either in the law library, or maybe if you, like, a teacher or instructor or something teaching a class, you could have privacy or you'll have the exclusivity to have access to a typewriter.

If you type it anywhere else, you could be in the open. Somebody could see you or look over your shoulder or see what's being typed. So I know absolutely I did not type that letter.

Q Was there anyone in that -- well, going back to Exhibit 32, the picture with Mr. Prible surrounded by yourself, Mr. Foreman, Mr. Dominguez, Mr. Martinez, Oscar Gonzalez, and Mr. Beckcom --

A Uh-huh.

Q -- was there anyone besides Beckcom that was -- that would have typed that record -- that letter?

A I guess it's possible it could have been Mr. Foreman. It's

**Mr. Rytting Redirect of Carl Walker**

1 also possible it could have been -- I don't know. It's a  
2 stretch, but it may have been Oscar. But I don't even think  
3 Oscar would have did that.

13:47:17 4 It had to be somebody, like I said, to have -- have enough  
5 privacy where you don't have to worry about getting seen with  
6 those letters or get seen typing those letters. I mean, you  
7 just can't walk into -- in the law library, you're -- your back  
8 is to everybody else. You're facing the typewriter.

13:47:37 9 So it's not like you got -- you can't, like, hide.

13:47:42 10 Q And are people interested in what you're writing when they  
11 go through the law library?

13:47:46 12 A Well, sometimes. Sometimes people just being nosy. But the  
13 thing of it is, is if you get caught or if someone is exposed  
14 participating in those type of activities, there could be  
15 serious repercussions to that.

13:48:01 16 Q Okay. Did anyone -- you recall anyone handing you that  
17 letter for your signature?

13:48:09 18 A Now, that definitely could have been Oscar because he was my  
19 cellie, or Beckcom. I don't recall. I -- I mean --

13:48:15 20 Q Okay.

13:48:16 21 A -- to put a name on the exact person -- because it's four of  
22 us was in the same building; four of us was in communication at  
23 the same time. I mean, out of the group, the only four of us  
24 was in that building. So I can't be -- it's been, like, almost  
25 20 years. So I don't know exactly when I did them.

***Video Deposition of Johnny Bonds***

**MR. RYTTING:** No further questions.

**THE COURT:** Anything further?

**MR. D'HEMECOURT:** I have nothing further.

**THE COURT:** You may step down. Thank you very much,  
Mr. Walker.

**MS. SCARDINO:** Your Honor, petitioner calls Johnny  
Bonds by deposition.

**THE COURT:** Very well.

**MS. SCARDINO:** Johnny Bonds is the investigator for  
the DA's office.

**THE COURT:** Okay.

*(Video deposition of Johnny Bonds played as follows.)*

**EXAMINATION**

**Q** Back in 2001 and 2002, when you were working on the Prible  
case, what was your understanding of the Brady rule?

**A** On exclusion?

**Q** On having to return over Brady evidence.

**A** Anything that -- that would tend to show that the person was  
innocent, you're supposed to turn it over.

**Q** Okay. What about anything that tended to be favorable to  
that defendant?

**A** Well, it would be falling in the same category. If you --  
if it tended to show the innocence, which would be favorable,  
you're supposed to turn it over.

**Q** Okay. But innocence would be a much higher standard than

***Video Deposition of Johnny Bonds***

1 just something that was favorable, right?

13:49:40 2 **A** I suppose.

13:49:42 3 **Q** Okay. Back in 2001 and 2002, the DA's office had an open  
4 file policy; is that correct?

13:49:49 5 **A** As far as turning over the files to the defense attorneys?

13:49:52 6 **Q** Yes.

13:49:55 7 **A** You know, to be honest with you, I don't know.

13:49:57 8 **Q** Okay. Do you recall hearing that term "open file"?

13:50:04 9 **A** Not so much earlier. More so later after -- after I  
10 retired. I don't -- you know, I think that was a big issue in  
11 2008, 2009 in the elections at that time, but not so much before  
12 then.

13:50:23 13 **Q** Okay. So you don't recall, back when you were there in 2001  
14 and 2002, the DA having an open file policy?

13:50:29 15 **A** I know we turned files over. I'm -- I'm sure that there  
16 were some things in the files that weren't turned over.

13:50:35 17 **Q** Okay. Do you know if the defense attorneys were able to  
18 make copies of any information out of the file?

13:50:44 19 **A** I would -- I would say if -- if they needed copies and asked  
20 to have them done, they probably would have been allowed to, but  
21 I don't know if that would -- again, I had nothing to do with  
22 them sitting in there. I know they -- I have seen them doing  
23 exactly what this gentleman is doing, taking a lot of notes.

13:51:03 24 I don't -- I actually don't know the -- the policy on  
25 making copies. I know that -- that we did have a policy of not

**Video Deposition of Johnny Bonds**

1 turning over offense reports because they were not our work  
2 product.

13:51:20 3 Q Okay. So were you privy -- as an investigator at the DA's  
4 office, were you and Ms. Siegler privy to all the supplemental  
5 reports that the sheriff's office was making on a case?

13:51:30 6 A Yes.

13:51:31 7 Q Okay. But it was the policy of the DA's office not to turn  
8 over those supplemental reports --

13:51:37 9 A They --

13:51:37 10 Q -- to defense counsel?

13:51:38 11 A Not to copy.

13:51:39 12 Q Not to copy?

13:51:40 13 A Yes. They were allowed to read -- read the reports. But as  
14 far as making a actual Xerox copy of the offense report and  
15 giving it to them, it is my -- it is my recollection that we did  
16 not do that.

13:51:53 17 They were allowed to read everything in the file, but as  
18 far as Xeroxing or making a copy, we never -- we never -- to my  
19 knowledge, I don't recall ever copying a complete offense report  
20 and giving it to the defense attorney. They may have been  
21 allowed to copy one or two pages, but as far as the whole  
22 report, I don't think so.

13:52:13 23 Q Would that have been improper, in your mind, if -- if  
24 supplemental reports had been left out of the offense report  
25 given to the defense counsel?



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13:52:23 1 **A** You know, I don't know. I don't -- I don't personally think  
2 it should have been a problem, but I don't know. I can't say  
3 what -- what the attorneys think. I'm not -- you know.

13:52:40 4 **Q** And ultimately you'd agree, I think, that the prosecution  
5 team are the only individuals that have a complete knowledge of  
6 what is in that file -- their file at the DA's office, right?

13:52:51 7 **A** I would think so, yes.

13:52:53 8 **Q** Because an attorney -- a defense attorney could come in to  
9 review the file, but the only thing stopping someone from taking  
10 something out of that file would be that own DA's honesty or  
11 integrity, correct?

13:53:07 12 **A** That would prevent the defense attorney from taking  
13 something out?

13:53:10 14 **Q** That would prevent the prosecutor from not -- from taking a  
15 document out. In other words, there's no way for the defense  
16 attorney, who's coming in to view the file, to know whether a  
17 defense -- or a prosecutor has taken anything out of that file?

13:53:22 18 **A** Well, I think -- I think there probably would be. Seems  
19 like I recall there were times that there were some, I need to  
20 see this, and, No, you're not allowed to see that.

13:53:33 21 And I can't believe specific on this case or any other  
22 case, but I do recall now that there were times that there were  
23 some disagreement on what they were allowed to see.

13:53:45 24 **Q** Okay. What if it --

13:53:47 25 **A** So I'm not real sure exactly what it was, but there were

**Video Deposition of Johnny Bonds**

1 some -- some things they were not allowed to see or take copies  
2 of.

13:53:54 3 **Q** Was there any written policy at the district attorney's  
4 office about dealing with informants?

13:53:59 5 **A** Not to my knowledge.

13:54:02 6 And that's another thing. This is for cops, for  
7 investigators, and this is a new deal. When they did away with  
8 federal parole, it was a whole new field of information.

13:54:15 9 And -- and, you know, because that's the only way -- and  
10 this -- to be honest with you, this is the first case --  
11 Prible's case was the first one I had ever been involved in  
12 where I found out that they could get their sentence reduced. I  
13 did not know that could happen.

13:54:32 14 **Q** Would you ever talk to different informants about the same  
15 case? Maybe not in the same room, but is there ever a time when  
16 you might be talking to more than one informant about the same  
17 murder case?

13:54:46 18 **A** Not -- not -- no. No, not like having them lined up out in  
19 the hall and bring them in one at a time. No, no, no, no.

13:54:58 20 **Q** What if another prisoner that you've used in the past as an  
21 informant instructs an inmate to call you, saying this guy got  
22 me a deal -- or this -- this prosecutor got me a deal in the  
23 past, you need to contact her, see if you can help her out in  
24 this case?

13:55:15 25 **A** You know --

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13:55:17 1 Q Would that raise a red flag?

13:55:20 2 A Yeah, possibly. And I know where you're going with this,  
3 and I might be able to make this a lot clearer for everybody.

13:55:27 4 Q Let's go back to the credibility of snitches that we were  
5 talking about a minute ago.

13:55:30 6 What if a snitch came to you and said he heard a confession  
7 from another prisoner, okay, and we'll call that snitch that  
8 came to you snitch No. 1, okay? And then later his cellmate  
9 reached out to you, and he said he heard it, too, and he wanted  
10 in on the action. Okay. That's Cellmate No. 2.

13:55:51 11 Would you be concerned that maybe the second snitch didn't  
12 actually hear it from the criminal's mouth, he heard it from the  
13 cellmate?

13:55:59 14 A That's possible, yes.

13:56:01 15 Q Okay.

13:56:05 16 What if you asked that second snitch if he talked to his  
17 cellmate about the confession, and he said, No, I didn't know  
18 the guy confessed to my cellmate. Would you believe that?

13:56:15 19 A Well, here again, one of the things you do is look at the --  
20 you know, Nathan Foreman, that's -- that's exactly what you're  
21 talking about. And he contacts our office, I think, by letter  
22 to Kelly, I'm not real sure. And we talked to him one time.  
23 And it didn't happen in Beaumont. It happened here in Houston.

13:56:42 24 And, you know, and that's -- and he goes -- he starts  
25 telling us basically he did it, you know, and he couldn't give

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1 us any details. That's one of the reasons I'm saying I could  
2 make this a whole lot shorter. And two minutes into his  
3 conversation, I'm like, This guy is lying. He doesn't know  
4 anything about this case.

13:57:00 5 Then I asked him to describe Prible. He's like, What? I  
6 said, What does he look like? And he couldn't give me a  
7 physical description. And at that point, I don't think he -- at  
8 that time we talked to Nathan Foreman, I don't think he had ever  
9 met Prible. He may have talked to somebody else and knew -- and  
10 at the time we talked to Nathan Foreman, I think Beckcom had  
11 already come forward with his information. And I've never  
12 talked to Beckcom.

13:57:26 13 Q Okay.

13:57:27 14 A I've never talked to him. The only two people in this case  
15 that I've talked to are Nathan Foreman and Prible.

13:57:34 16 Q You never talked to Beckcom?

13:57:35 17 A I never talked to Beckcom. I never met him.

13:57:37 18 Q And you said a moment ago you had only had one face-to-face  
19 visit Foreman; is that right?

13:57:41 20 A That's it. That was this day.

13:57:43 21 Q And that was the one you just described a moment ago, the  
22 fed- -- and it was at the Federal Detention Center here in  
23 Houston?

13:57:47 24 A In Houston. I never saw him in Beaumont.

13:57:49 25 Q Okay. And by then, you said Beckcom had come -- already

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1 come forward?

13:57:53 2 **A** I'm pretty sure Beckcom -- the information from Beckcom was  
3 already known to Kelly. I -- I -- to my knowledge, I've never  
4 met or seen Beckcom. I don't even think I saw him in the  
5 courtroom because I didn't go in the courtroom to listen to his  
6 testimony.

13:58:10 7 **Q** Okay.

13:58:14 8 **A** But it was real obvious, after talking to Foreman for a few  
9 minutes, he was just lying. And, basically, we confronted him  
10 with it.

13:58:21 11 **Q** And you determined that -- or what did you say when you  
12 confronted him with it?

13:58:26 13 **A** You know -- you know, You're wasting our time, you know.  
14 The bottom line is, we told him we don't need people lying to  
15 us, you know. If you have good information, that's fine. But  
16 don't come to us with a bunch of lies because we're not going to  
17 be able to use lies and --

13:58:45 18 **Q** What --

13:58:45 19 **A** -- and then blew him off.

13:58:46 20 And I'll tell you something. He kind of -- I remember he  
21 kind of like, Well, is it worth a try. I mean, he was -- he was  
22 trying to get in on the bandwagon, you know, get some of this  
23 good time. And it was obvious he knew that it wasn't working.

13:59:00 24 **Q** Were there other people trying to get on this bandwagon?

13:59:03 25 **A** I don't know of any others, no. I never talked to anybody

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1 except him and Prible, and that's it.

13:59:09 2 Q Him and Prible. No other --

13:59:11 3 A Inmates.

13:59:11 4 Q -- prisoners --

13:59:13 5 A No.

13:59:13 6 Q -- about this case?

13:59:15 7 A No.

13:59:15 8 Q Okay.

13:59:15 9 A You know, and his -- his reaction, I remember he kind of  
10 smirked like, Well, didn't work.

13:59:23 11 Q What lie did you catch him -- Nathan Foreman in?

13:59:27 12 A Well, he just couldn't give any details. He was kind of  
13 vague in information. It was real obvious that he had not  
14 talked to Prible. And, in fact, I was under the impression he  
15 hadn't even met him because he couldn't give me -- or if he'd  
16 met him, he couldn't describe him, you know.

13:59:43 17 Q So if you look at these notes that you took at that meeting  
18 with Foreman, it says, "Wife shot, two babies in fire."

13:59:49 19 I suppose that was maybe the infor- -- what you were just  
20 saying that he wasn't telling the truth or it was obvious he  
21 hadn't talked to Prible?

13:59:57 22 A He may have -- you know, that's just -- I don't know if I  
23 put that down as something that he didn't know or if that's all  
24 he knew because two babies isn't right. It was three.

14:00:06 25 Q Right.

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1 14:00:06 **A** And, you know, it was -- anything he could have gotten -- it  
2 wasn't anything that he couldn't have gotten from the newspaper  
3 or talking to somebody else that knew something.

1 14:00:18 **Q** Yeah. And when you --

1 14:00:20 **A** But I got the impression that he didn't actually have any  
6 information that he got directly from Prible.

1 14:00:25 **Q** Okay. So charges were not accepted against Prible in '99,  
8 right?

1 14:00:29 **A** Not to my knowledge, no.

1 14:00:30 **Q** Okay. Do you know why that DNA match would not be enough to  
11 have charged him with the -- the murders?

1 14:00:37 **A** It's my understanding that he came forward and said that,  
13 Yeah, yeah, that's my DNA because we had voluntary sexual  
14 relations. So that -- that was -- I think he said that right  
15 from the very beginning. You know, so if he had denied it, I  
16 think maybe they would have filed charges, but he -- he admitted  
17 it.

1 14:00:56 **Q** Okay. So in 1999, the evidence was so weak at that point  
19 that the DA's office determined they couldn't even present it to  
20 the Grand Jury, let alone get an indictment or convince a jury  
21 beyond a reasonable doubt, right?

1 14:01:10 **A** I don't know if that was presented to the Grand Jury or not,  
23 so I don't know.

1 14:01:14 **Q** Was it your practice when -- or your experience, when you  
25 were at the DA's office, that if there was probable cause, the

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1 case would be presented to the Grand Jury? It wouldn't just sit  
2 around going cold, right?

1 4 : 0 1 : 2 7 3 **A** True.

1 4 : 0 1 : 2 7 4 **Q** So the case was put aside, and no more leads were developed.  
5 All the evidence, it sounded like that they had it in 1999. But  
6 in 2001, the DA's office started looking at it again, right?

1 4 : 0 1 : 4 3 7 Do you recall that?

1 4 : 0 1 : 4 4 8 **A** Yes. And I -- I don't -- I can't say exactly why. I can  
9 assume that it was because Beckcom came forward. I don't know  
10 that, but I'm thinking that's why it was reactivated.

1 4 : 0 2 : 0 2 11 **Q** Okay. And do you recall how Beckcom came forward? Was it  
12 by a phone call?

1 4 : 0 2 : 0 9 13 **A** I don't know.

1 4 : 0 2 : 1 0 14 **Q** A letter?

1 4 : 0 2 : 1 1 15 **A** I don't know.

1 4 : 0 2 : 1 1 16 **Q** You can't recall?

1 4 : 0 2 : 1 2 17 **A** I know -- I know that federal inmates are allowed to make  
18 phone calls.

1 4 : 0 2 : 1 5 19 **Q** Okay.

1 4 : 0 2 : 1 6 20 **A** Which was surprising.

1 4 : 0 2 : 1 8 21 **Q** When you spoke with Foreman, and -- and I believe you  
22 said -- did you also meet -- Foreman's the only informant in  
23 this case that you met with in Beaumont, right?

1 4 : 0 2 : 2 9 24 **A** Correct. No, and I didn't -- not Beaumont, Houston.

1 4 : 0 2 : 3 1 25 **Q** In Houston?



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1 4 : 0 2 : 3 2 1 **A** Yeah.

1 4 : 0 2 : 3 2 2 **Q** Okay. Okay.

1 4 : 0 2 : 3 3 3 **A** And it was very short. We weren't with him for 10 minutes.

1 4 : 0 2 : 3 6 4 **Q** Okay. So you never went to any meetings with any informants  
5 in FCI Beaumont?

1 4 : 0 2 : 4 1 6 **A** No.

1 4 : 0 2 : 4 1 7 **Q** Mr. Bonds, when we left off, we were talking about how the  
8 case got picked up again by you and Ms. Siegler in 2001.

1 4 : 0 2 : 5 1 9 And you -- you thought it might have picked up because you  
10 got a call from Beckcom?

1 4 : 0 2 : 5 5 11 **A** Not me. I'm assuming that she got information. I don't  
12 know whether it was a call or a letter. I don't know -- I don't  
13 know --

1 4 : 0 3 : 0 2 14 **Q** Okay.

1 4 : 0 3 : 0 2 15 **A** -- how.

1 4 : 0 3 : 0 3 16 **Q** And when you and Kelly picked this case back up in 2001, was  
17 this one of those cases where we talked about earlier, it wasn't  
18 an issue of solving the case from scratch. It was you had a  
19 suspect, and it's a matter of building the case now so you could  
20 bring charges against that suspect?

1 4 : 0 3 : 2 2 21 **A** Well, yeah. Yeah, basically, that's the way it would work.

1 4 : 0 3 : 2 6 22 **Q** Exhibit 52 is a handwritten letter from Jesse Moreno to  
23 Ms. Siegler on April 4th, 2001. If you could take a look at  
24 that letter and let me know if you've ever seen it before.

1 4 : 0 3 : 4 5 25 **A** I don't recall ever seeing this before.

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1 4 : 0 3 : 4 8 1 Q Okay. I'm going to show you Exhibit 53.

1 4 : 0 3 : 5 1 2 Exhibit 53 is another handwritten letter dated April 10th,  
3 2001, and this one is from Celia Moreno to Ms. Siegler.

1 4 : 0 4 : 0 6 4 Can you take a look at that letter and let me know if you  
5 ever saw it?

1 4 : 0 4 : 1 0 6 A I've never seen it before.

1 4 : 0 4 : 1 3 7 Q Now, in July 3rd, 2001, Ms. Siegler went to meet with Jesse  
8 Moreno in person.

1 4 : 0 4 : 2 2 9 A I have no idea.

1 4 : 0 4 : 2 4 10 Q You have no -- no knowledge of that meeting?

1 4 : 0 4 : 2 6 11 A I wasn't part of that, no.

1 4 : 0 4 : 2 7 12 Q Okay. And that meeting was recorded. You've never seen a  
13 recording of that meeting?

1 4 : 0 4 : 3 1 14 A I have no idea.

1 4 : 0 4 : 3 2 15 Q Okay. And she spoke with him primarily about the Hermilio  
16 Herrero case. Does that case ring a bell?

1 4 : 0 4 : 3 9 17 A Not at all.

1 4 : 0 4 : 4 0 18 Q Now, do you know if, at that July 3rd, 2001, meeting  
19 Ms. Moreno -- Mr. Moreno told Ms. Siegler about his friend,  
20 Nathan Foreman, who was in the hole with him at that time?

1 4 : 0 4 : 5 0 21 A I have no idea.

1 4 : 0 4 : 5 1 22 Q Okay. You don't recall ever hearing that from Ms. Siegler?

1 4 : 0 4 : 5 5 23 A No.

1 4 : 0 4 : 5 5 24 The only time I made contact with him was at the unit here  
25 in Houston, downtown Houston. But I don't know how he contacted

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1 our office. I don't know if it was by a phone call or a letter.  
2 I don't have any idea. It wasn't from me. I didn't have any  
3 direct contact with him until we went to talk to him.

1 4:05:11 4 **Q** Now, before Foreman reached out to you and Kelly about -- or  
5 to Kelly, I guess, about Mr. Prible's case, had you-all ever  
6 worked with him previously in a case?

1 4:05:22 7 **A** Foreman?

1 4:05:22 8 **Q** Uh-huh.

1 4:05:23 9 **A** I never met him until -- the only time I ever talked to that  
10 guy was in August of 2001. I never talked to him before or  
11 since.

1 4:05:30 12 **Q** Okay. Do you know if -- if Ms. Siegler had had a previous  
13 relationship with him?

1 4:05:34 14 **A** I don't think she had because -- I'm pretty sure she had  
15 not.

1 4:05:43 16 **Q** Okay. And in that -- let me see. In the transcript of the  
17 July 3rd, 2001, meeting, which I can give you the entire thing  
18 to read at the break, if you want, but it's -- it's pretty  
19 thick.

1 4:06:01 20 But on page 12, she said Nathan -- sorry-- Jesse Moreno  
21 says to Ms. Siegler, quote, Nathan Foreman, the one that I was  
22 asking you about.

1 4:06:11 23 And it sounds as if Ms. Siegler, at that point, had not  
24 known who Mr. Foreman was. Does that comport with your  
25 recollection?

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1 4:06:20 1 **A** You know, my recollection is, is when we went to meet him at  
2 the federal prison here in Houston, that was first time either  
3 one of us had ever met him.

1 4:06:30 4 **Q** Okay. Okay. But you don't recall who told him to contact  
5 your office?

1 4:06:33 6 **A** No, I have no idea.

1 4:06:34 7 **Q** Okay. Because the inmates wouldn't just know who at the --  
8 at the DA's office to contact. They would have to have an idea  
9 of who was working on a specific case, right?

1 4:06:44 10 **A** Well, I'm -- I'm assuming that he knew that Kelly was  
11 working on this case. I don't know how he knew.

1 4:06:51 12 **Q** You see in that Exhibit 55 that charges were accepted  
13 against Herrero that day based entirely on Jesse Moreno's word?

1 4:06:59 14 You see that?

1 4:07:01 15 **A** Well, I see the charges were filed, yeah.

1 4:07:03 16 **Q** Okay. And charges were also filed against Prible that very  
17 day. Did you know that?

1 4:07:08 18 **A** No, I did not.

1 4:07:09 19 **Q** On July 5th, 2001?

1 4:07:10 20 Okay. Do you know why charges were all of a sudden  
21 accepted against Prible? What new evidence came to light?

1 4:07:18 22 **A** Well, the new evidence, I'm assuming, was Beckcom. That --  
23 that, combined with the DNA evidence and, you know, the other  
24 circumstances. I mean, I think Beckcom was the icing on the  
25 cake.

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1 4:07:30 1 Q Okay. Is it possible that at that July 3rd, '01, meeting  
2 with Moreno, that Ms. Siegler discussed Prible's case with  
3 Moreno, who was old friends with Nathan Foreman?

1 4:07:42 4 A I -- you know, I have no idea. I can't say.

1 4:07:49 5 Q Okay.

1 4:07:49 6 A I have no idea.

1 4:07:50 7 Q You can't deny it?

1 4:07:51 8 A No, but I -- I don't know.

1 4:07:52 9 Q You don't know.

1 4:07:53 10 So we talked about that newspaper article in April 15th,  
11 2001, when Curtis Brown said someone needs to come forward with  
12 information about this before we can make any arrests, and  
13 saying that they didn't have probable cause at that time to  
14 arrest. That was April 15th, 2001.

1 4:08:12 15 By July 5th, 2001, they now have found probable cause to  
16 arrest Mr. Prible, right?

1 4:08:17 17 A Apparently.

1 4:08:18 18 Q Okay. What was that new information?

1 4:08:21 19 A Well, it's not in -- I don't see it in here.

1 4:08:24 20 Q I know.

1 4:08:24 21 A I'm assuming it's Beckcom, but there's no mention of Beckcom  
22 in this --

1 4:08:28 23 Q Okay.

1 4:08:29 24 A -- in this probable cause.

1 4:08:29 25 Q On August 7th, 2001, you printed out a document about Nathan

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1 Foreman that is Exhibit 88. I'm going to ask you what this  
2 document is. There's lots of them in the file. Is that the  
3 NCIC?

1 4:08:41 4 **A** No, this is a criminal history.

1 4:08:43 5 **Q** Okay. And it looks like you printed that out on August 7th,  
6 2001?

1 4:08:53 7 **A** It would be the day before we went to talk to him.

1 4:08:55 8 **Q** Uh-huh. And are those criminal histories, are they  
9 available to the general public or just law enforcement?

1 4:09:01 10 **A** They are not. They're law enforcement. They're  
11 confidential.

1 4:09:03 12 **Q** Okay. Do you know of anyone else testifying before the  
13 Grand Jury in Prible's case?

1 4:09:07 14 **A** No, I don't.

1 4:09:08 15 **Q** You don't think anyone else testified --

1 4:09:10 16 **A** I don't --

1 4:09:10 17 **Q** -- or anyone testified?

1 4:09:11 18 **A** I don't know.

1 4:09:12 19 **Q** You don't know one way or the other?

1 4:09:13 20 **A** Huh-uh. I don't know if she just took it in or, you know,  
21 if she took one of the detectives in. I don't know.

1 4:09:19 22 **Q** Okay. And how does that work if you just take it in? Like,  
23 what does that mean?

1 4:09:22 24 **A** Well, she presents it and asks for an indictment.

1 4:09:24 25 **Q** Okay. In the Temple case, Ms. Siegler testified that her

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1 practice was to withhold witness statements from the defense  
2 until after the witness testified. And then the defense  
3 could -- would have to read them during a break in the trial.

1 4 : 0 9 : 3 6 4 Do you recall what the situation was in Mr. Prible's case,  
5 if witness statements were provided to the defense?

1 4 : 0 9 : 4 4 6 **A** I have no idea.

1 4 : 0 9 : 4 5 7 **Q** Or when they were provided to the defense?

1 4 : 0 9 : 4 7 8 **A** I don't know.

1 4 : 0 9 : 4 8 9 **Q** Okay. So you don't -- you couldn't deny that they were  
10 withheld? You don't know if they were withheld, either --  
11 either way?

1 4 : 0 9 : 5 4 12 **A** I don't -- I don't have any idea one --

1 4 : 0 9 : 5 5 13 **Q** Okay.

1 4 : 0 9 : 5 5 14 **A** -- way or the other.

1 4 : 0 9 : 5 6 15 **Q** Do you recall this being her practice?

1 4 : 1 0 : 0 1 16 **A** I know that Kelly didn't give up anything she didn't have to  
17 give up. I know she followed the law. I never saw her do  
18 anything that was -- was in violation of the rules, so...

1 4 : 1 0 : 1 4 19 **Q** Okay.

1 4 : 1 0 : 1 5 20 **A** But I know she never gave anything away. She made them --  
21 she made them -- she made the defense earn what they got.

1 4 : 1 0 : 2 0 22 **Q** Okay. Do you know if the rules about disclosing witness  
23 statements changed depending on whether that was a testifying  
24 witness or not?

1 4 : 1 0 : 3 1 25 **A** I know there were some changes after I retired. I'm not

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1 real sure what the changes are about disclosure. But I know  
2 there have been some changes.

1 4 : 1 0 : 4 0 3 Q Like within the -- the policy at the DA's office?

1 4 : 1 0 : 4 4 4 A No, I'm talking about the state law.

1 4 : 1 0 : 4 6 5 Q The state law?

1 4 : 1 0 : 4 7 6 A Yeah.

1 4 : 1 0 : 4 7 7 Q Right. Okay. So back in 2001, 2002, do you recall if it  
8 was prac- -- if it was common practice to withhold statements  
9 unless the witness was testifying?

1 4 : 1 1 : 0 0 10 A You know, I don't know the exact rule. I know that  
11 everything we did was in compliance with state law.

1 4 : 1 1 : 0 8 12 Q Okay.

1 4 : 1 1 : 0 8 13 A We didn't -- we didn't do anything that was in violation of  
14 state law.

1 4 : 1 1 : 1 1 15 Q Okay. And I'm asking what your -- what the practice was.

1 4 : 1 1 : 1 4 16 A I don't know what the practice was.

1 4 : 1 1 : 1 5 17 Q What Ms. Siegler's practice was.

1 4 : 1 1 : 1 7 18 A I think -- I think -- you know, actually, I think probably  
19 some -- some prosecutors had different -- different practices  
20 than others. So I don't -- I don't know. But to my knowledge,  
21 nobody did anything they weren't supposed to do.

1 4 : 1 1 : 2 9 22 Q Okay. Do you know if Ms. Siegler's practice was to withhold  
23 witness statements from witnesses who did not testify?

1 4 : 1 1 : 3 6 24 A I don't know.

1 4 : 1 1 : 4 0 25 Q So you can't deny that that was her practice, you just don't



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1 know?

1 4 : 1 1 : 4 3 2 **A** I don't know.

1 4 : 1 1 : 4 3 3 **Q** And was it your practice at the DA's office to disclose  
4 these reports to the defense attorneys?

1 4 : 1 1 : 4 8 5 **A** Well, I would think -- I don't know if it was our practice.  
6 I think that we'd, you know -- we'd disclose if there was -- if  
7 there was any problem with credibility, that we'd disclose it.  
8 I don't know that it was a -- we would not just say, Here.  
9 Here's his criminal history.

1 4 : 1 2 : 0 4 10 **Q** All of these criminal history reports that we just went  
11 through and this --

1 4 : 1 2 : 0 8 12 **A** Offense report.

1 4 : 1 2 : 0 8 13 **Q** -- offense report, as a matter of course, would those have  
14 been disclosed to defense counsel or not?

1 4 : 1 2 : 1 9 15 **A** I would think that if they were witnesses, yes, that they  
16 would have been.

1 4 : 1 2 : 2 2 17 **Q** Okay.

1 4 : 1 2 : 2 3 18 **A** I don't know.

1 4 : 1 2 : 2 4 19 **Q** But not if they weren't witnesses?

1 4 : 1 2 : 2 6 20 **A** Not if they're not witnesses.

1 4 : 1 2 : 2 7 21 **Q** Okay. We talked earlier in the deposition about how,  
22 ultimately, it's the prosecution team that really knows  
23 everything that's in a -- in a particular case file. And it's  
24 up to them to show the defense counsel everything that defense  
25 counsel is entitled to under the law, right?

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1 **A** Under the present law, yes.

2 **Q** Yeah. Okay. And one way a prosecutor could conceal Brady  
3 evidence would be by taking it out of the file before the file  
4 is given to the defense attorney. That's one way that it could  
5 be done, right?

6 **A** Well, I'm sure, yeah.

7 **Q** Okay. Another way is by putting evidence in the file marked  
8 work product or privileged, right?

9 **A** That's possible, yes.

10 **Q** Okay. In Ms. Siegler's work file were the following  
11 documents. I'll go through it with you. And these -- these  
12 were a work product file for the Prible case.

13 First is Exhibit 112. If you could read that to yourself.

14 **A** Okay.

15 **Q** And we'll come back to discuss this more in detail later.  
16 But for now, I just want to ask if you recall ever seeing that  
17 letter?

18 **A** No.

19 **Q** You never saw that letter?

20 **A** I don't recall ever seeing it.

21 **Q** Okay. I'm going show you another item that was found in  
22 Ms. Siegler's work product file, Exhibit 113.

23 That's a letter from Carl Walker to Ms. Siegler.

24 **A** Okay.

25 **Q** Did you ever see that letter?

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**A** No, I don't remember it.

**Q** Okay. Exhibit 114 is a letter from Mark Martinez to Ms. Siegler dated April 30th, 2002.

Did Ms. Siegler show you that letter?

**A** I've never seen it before.

**Q** Why do you think Ms. Siegler didn't show you these letters from the Prible case?

**A** I have no idea. I mean, these are dated well past the times that we were working before the indictment.

Did any of these people testify?

**Q** They did not, no.

**A** Okay. Well, I guess she decided she didn't need them or didn't believe them.

**Q** Okay. And so if it was -- if she didn't believe a witness, was there -- was it her practice not to disclose that witness's statement to the other side?

**A** I don't see anything exculpatory in these statements for the defendant. They're all saying he confessed to doing it. So I don't see where it would help him.

**Q** Would it have been exculpatory if -- for the defense to have known that there was a web of informants auditioning for this role to testify against Mr. Prible?

**A** No, they don't -- I don't know -- I don't -- you know, I can't say that. Again, the -- doing away with federal parole just opened up a whole bag of worms in the federal prisons.

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1 4 : 1 5 : 2 8 1 Q Okay.

1 4 : 1 5 : 2 8 2 A I mean, they were all looking for an out. So I don't know,  
3 you know, that defense attorneys were aware of this in 2001. We  
4 were becoming aware of it, you know, the prosecution. It was  
5 somewhat of a new phenomenon for us because normally, you don't  
6 get that many convicted felons coming forward from a unit from a  
7 prison.

1 4 : 1 5 : 5 1 8 Q So defense attorneys might not even be aware that this new  
9 phenomenon --

1 4 : 1 5 : 5 6 10 A At the time, maybe, maybe not. I don't know.

1 4 : 1 5 : 5 7 11 Q Okay. Exhibit 163 is photographs -- various photographs  
12 with Jeff Prible with the informants that had written to  
13 Ms. Siegler.

1 4 : 1 6 : 0 9 14 A Okay.

1 4 : 1 6 : 0 9 15 Q And the informants -- the informant that originally --  
16 eventually testified against Mr. Prible at trial.

1 4 : 1 6 : 1 8 17 Do those look familiar?

1 4 : 1 6 : 2 2 18 A I -- I saw these in the paperwork you filed in your  
19 documents. Prior to that, I had never seen these before.

1 4 : 1 6 : 2 8 20 Q Okay. Was that Ms. Siegler's practice when working with  
21 informants, to have them take photographs with the defendant to  
22 show a close relationship?

1 4 : 1 6 : 3 8 23 A I would say no. No.

1 4 : 1 6 : 4 1 24 Q You don't -- it's not something you've --

1 4 : 1 6 : 4 3 25 A No.

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1 14:16:43 Q -- ever seen a lot of defendant --

2 14:16:44 A No. Discussing or ever hearing of, no.

3 14:16:47 Q Okay.

4 14:16:47 A No, absolutely not.

5 14:16:48 Q Now, if it turns out that at least one of the informants in  
6 this photograph in Exhibit 163 is Nathan Foreman --

7 14:16:56 A Okay.

8 14:16:58 Q Now, if it turned out, as it did, that Nathan Foreman was  
9 lying about a confession that he had gotten from Prible --

10 14:17:06 A Well, now, see, we talked to him in August of '01. These  
11 are dated November of '01. This would have been three months  
12 after -- at least three months, yeah. November the 11th, '01.

13 14:17:17 We talked to him on August the 8th. I don't have any idea  
14 where these were made. So they were in separate units when we  
15 talked to him. They weren't even in the same facility.

16 14:17:27 Q Okay. So when you -- when you first talked to Foreman, he  
17 hadn't even met Prible. He was in a separate facility?

18 14:17:32 A He claimed he had met him.

19 14:17:33 Q Okay.

20 14:17:33 A After talking to him, I don't think he had ever met him  
21 because he couldn't physically describe him, and I don't think  
22 you could forget him, you know.

23 14:17:41 Q Okay. Do you think the identity of Nathan Foreman and that  
24 he had come forward with false information about this crime was,  
25 in itself, Brady information that should have been turned over

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1 to the defense?

14:17:57 2 **A** You know, I've never thought about it, but, no. You've got  
3 somebody trying to say he confessed. That certainly doesn't  
4 help the defendant. So, no, I never considered it to be Brady.

14:18:11 5 **Q** Okay. Even if he was later made cellmates with Michael  
6 Beckcom, who was the person that ended up confessing -- or  
7 testifying?

14:18:21 8 **A** See, I -- I don't know -- I don't know that.

14:18:22 9 **Q** You don't know that he was his cellmate?

14:18:24 10 **A** No, I have no idea.

14:18:25 11 **Q** You don't recall that he was his --

14:18:26 12 **A** No.

14:18:26 13 **Q** -- cellmate at all?

14:18:27 14 **A** I don't.

14:18:28 15 **Q** Okay.

14:18:28 16 **A** And I've never heard that.

14:18:29 17 **Q** Are you denying that he was his cellmate?

14:18:32 18 **A** I don't know.

14:18:32 19 **Q** You don't know? Okay.

14:18:33 20 **A** Okay.

14:18:33 21 **Q** If you heard that that was -- that Michael Beckcom was his  
22 cellmate, would that raise a red flag since he had been talking  
23 with Nathan Foreman about the case since August?

14:18:44 24 **A** You know, apparently, Foreman had some information from  
25 somebody that Prible was the suspect and that, you know, that he

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1 possibly could get some leverage by saying he confessed to me.

1 4 : 1 8 : 5 7 2 Q Okay.

1 4 : 1 8 : 5 7 3 A Now -- so he knew about Prible. I don't know how he knew  
4 about Prible. I don't know if he got it from Foreman or from --  
5 I mean, from Beckcom or somebody else. I don't know where he  
6 got the information. But he did know about Prible.

1 4 : 1 9 : 0 9 7 Q Okay.

1 4 : 1 9 : 0 9 8 A So I have no idea how.

1 4 : 1 9 : 1 1 9 Q Okay. Do you know where these were made?

1 4 : 1 9 : 2 0 1 0 A At FCI Beaumont.

1 4 : 1 9 : 2 1 1 1 Q Okay.

1 4 : 1 9 : 2 4 1 2 A So apparently, he ended up -- Foreman did end up in  
13 Beaumont.

1 4 : 1 9 : 2 7 1 4 Q Yes.

1 4 : 1 9 : 2 7 1 5 A I mean, there he is, okay, because when we talked to him, he  
16 was not at Beaumont.

1 4 : 1 9 : 3 0 1 7 Q Right. Okay. In August 2001?

1 4 : 1 9 : 3 1 1 8 A In August 2001.

1 4 : 1 9 : 3 2 1 9 Q Okay. So I want to talk with you a little bit about how we  
20 went from using Foreman to using Beckcom instead as a witness.

1 4 : 1 9 : 4 3 2 1 So you -- you testified, I believe, that you had met or  
22 somehow communicated -- you and Kelly had communicated with  
23 Beckcom before July --

1 4 : 1 9 : 5 4 2 4 A Not no.

1 4 : 1 9 : 5 4 2 5 Q -- 5th, 2001?

***Video Deposition of Johnny Bonds***

1 4 : 1 9 : 5 5 1 **A** No, I never talked to him.

1 4 : 1 9 : 5 7 2 **Q** Not you?

1 4 : 1 9 : 5 7 3 **A** Yeah.

1 4 : 1 9 : 5 7 4 **Q** Okay. But Kelly must have --

1 4 : 2 0 : 0 0 5 **A** Apparently, she had.

1 4 : 2 0 : 0 1 6 **Q** -- communicated with him?

1 4 : 2 0 : 0 1 7 **A** Yes. Yes.

1 4 : 2 0 : 0 2 8 **Q** Okay. Because that was the information they needed -- they  
9 needed -- or she -- that informant information was what was used  
10 to get the probable cause affidavit?

1 4 : 2 0 : 1 0 11 **A** As far as I know, he -- his information was very detailed.  
12 It fit the crime. He had information that only the -- the  
13 defendant would have known.

1 4 : 2 0 : 1 8 14 **Q** Okay.

1 4 : 2 0 : 1 9 15 **A** You know, it was very apparent that Foreman did not. I  
16 mean, he -- he was just guessing.

1 4 : 2 0 : 2 6 17 **Q** Exhibit 77 is a fax from you to Lieutenant Robert Clark at  
18 FCI Medium sent on November 20th, 2001. And you're asking to  
19 visit -- for you and Ms. Siegler to be able to visit Nathan Ray  
20 Foreman on December 10th, 2001. Take a look at that for me.

1 4 : 2 0 : 4 9 21 **A** Well, this is actually a letter from Tom Wil- -- Ted Wilson,  
22 who was the bureau chief.

1 4 : 2 0 : 5 4 23 **Q** Uh-huh. I believe your name is on the fax.

1 4 : 2 0 : 5 6 24 **A** Yeah. My name is on -- also on this letter.

1 4 : 2 0 : 5 9 25 **Q** Uh-huh.



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**A** And this is -- this is my handwriting in here.

**Q** Yes.

**A** But I did not talk to Nathan Foreman other than that one time. He may have requested that we be allowed to, but I did not --

**Q** Go to a separate -- second meeting?

**A** No. No. I've only talked to him one time.

Now, you remember me saying earlier that we went over there, and there were several of us that did different things? Kelly may have talked to him again while I went to the state prison to talk to an inmate, but I did not talk to Nathan Foreman but one time. And I'm --

**Q** And that was August 8th, 2001?

**A** Yeah.

**Q** I'm going to show you Exhibit 109-7.

**A** Again, this is my handwriting. It's dated 12/10/01.

**Q** So it looks like do you, in fact, meet with Mr. Foreman again in October -- or on December 10th, 2001.

**A** Well, these -- these are notes, but I sure don't remember talking to him again. The only time I remember talking to him was in -- in here. I've got his name right here, and these are my notes.

**Q** But way back in August when you spoke with him, you determined right away he was just not a --

**A** He was lying.

***Video Deposition of Johnny Bonds***

1 4 : 2 2 : 1 4 1 Q A liar?

1 4 : 2 2 : 1 4 2 A Yeah.

1 4 : 2 2 : 1 5 3 Q Okay.

1 4 : 2 2 : 1 5 4 A I don't see -- in fact, I'm kind of at a loss of why we  
5 would want to talk to him again. This fax.

1 4 : 2 2 : 2 2 6 Q Exhibit 78 was a November 26th, 2001, letter from you to  
7 Lieutenant Clark. Again, you say that you will be at FCI  
8 Beaumont on 12/10/01 to see Foreman, and you need to see Beckcom  
9 after Foreman. Here's Exhibit 78.

1 4 : 2 2 : 3 9 10 A You know, the only thing I can tell you is I -- this is the  
11 time I told I went over there a second time, and I went to the  
12 state prison. I may have taken Kelly over there, and she went  
13 in by herself or went with somebody else. But I -- I don't  
14 recall talking to these guys.

1 4 : 2 2 : 5 6 15 Q So you're saying you didn't go with Kelly to that -- to the  
16 meeting on December 10th, 2001, with Foreman and Beckcom?

1 4 : 2 3 : 0 2 17 A I don't recall ever talking to Beckcom. And the only time I  
18 ever remember talking to Foreman was here in Houston, and I felt  
19 like he was lying.

1 4 : 2 3 : 1 0 20 Q Uh-huh.

1 4 : 2 3 : 1 1 21 These look to be notes that you took about the meeting with  
22 Beckcom on December 10th, '01. If you could read those into the  
23 record, please.

1 4 : 2 3 : 2 3 24 A Michael Beckcom, Nathan never -- Nathan never told Mike  
25 about Kelly and Bonds. Prible came to Beckcom, knew he had been

***Video Deposition of Johnny Bonds***

1 charged with capital murder.

1 4 : 2 3 : 3 6 2 Q That note, what do you mean when you say Nathan never told  
3 Mike about Kelly and Bonds?

1 4 : 2 3 : 4 1 4 A I don't know.

1 4 : 2 3 : 4 4 5 Q Was that something Mike --

1 4 : 2 3 : 4 6 6 A That would be something --

1 4 : 2 3 : 4 7 7 Q -- told to Kelly?

1 4 : 2 3 : 4 8 8 A I mean, Kelly might have said that, you know, Did Nathan  
9 ever talk to you about the meeting us earlier? And he said no.  
10 So I -- that doesn't ring a bell with me unless she told me that  
11 because I didn't ask him that.

1 4 : 2 3 : 5 9 12 Nathan never told Mike about Kelly and Bonds. So I guess  
13 Kelly asked him, Did Nathan Foreman tell you he had talked to  
14 us? I don't know.

1 4 : 2 4 : 1 0 15 Q Okay. Let's go back to the page before, 109-7.

1 4 : 2 4 : 1 7 16 A Uh-huh.

1 4 : 2 4 : 1 9 17 Q I had a couple of questions about that. You already read it  
18 into the record. But it says, "Steve and Nilda, 12-year-old  
19 witness saw them together night of the murder."

1 4 : 2 4 : 3 1 20 So as early as December 10th, 2001, y'all knew about an  
21 alibi witness, right?

1 4 : 2 4 : 3 7 22 A Steve and Nilda, 12-year-old saw them together night of  
23 murder. Christine. I have that underlined, and I have the  
24 arrow pointing to bill of sale.

1 4 : 2 4 : 5 5 25 Q Do you remember when you-all learned about the alibi

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1 witness?

1 4 : 2 5 : 0 4 2 **A** You know, this -- other than this, no, I don't.

1 4 : 2 5 : 0 7 3 **Q** Okay.

1 4 : 2 5 : 0 8 4 **A** There was a girl that supposedly saw them outside.

1 4 : 2 5 : 1 1 5 **Q** Uh-huh.

1 4 : 2 5 : 1 2 6 **A** Yeah. No, I -- no, I don't remember any other mention of  
7 it.

1 4 : 2 5 : 2 0 8 **Q** So was this alibi witness discussed with Nathan Foreman --

1 4 : 2 5 : 2 4 9 **A** I don't know.

1 4 : 2 5 : 2 4 10 **Q** -- on December 10th, 2001?

1 4 : 2 5 : 2 6 11 **A** I don't know. I didn't -- I wasn't part of that  
12 conversation. I'm telling you, I never talked to this guy  
13 again.

1 4 : 2 5 : 3 1 14 **Q** Okay. This could be you telling you what -- what -- or  
15 writing down what Kelly told you she and Nathan had talked  
16 about?

1 4 : 2 5 : 3 8 17 **A** It could be.

1 4 : 2 5 : 3 9 18 **Q** Okay.

1 4 : 2 5 : 3 9 19 **A** And to be honest with you, I'm kind of assuming that's what  
20 it is.

1 4 : 2 5 : 4 3 21 **Q** Do you recall meeting with Jonathan Wayne Jefferson on  
22 December 10th, 2001?

1 4 : 2 5 : 4 9 23 **A** I don't recall it, no.

1 4 : 2 5 : 5 0 24 **Q** Okay. Why would you have written down this first line,  
25 "Prible 7/25/01 transferred to medium till 11/29/01"?

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1 4 : 2 5 : 5 8 1 **A** That would be medium. Instead of medical, it's medium,  
2 yeah.

1 4 : 2 6 : 0 1 3 **Q** Yeah.

1 4 : 2 6 : 0 4 4 **A** Probably trying to verify which unit he was in.

1 4 : 2 6 : 0 9 5 **Q** And the reason you would have wanted to verify is to make  
6 sure that Jefferson was actually in the same unit with him?

1 4 : 2 6 : 1 9 7 **A** Yeah, yeah. If somebody says they're with somebody and  
8 talking to him, I want to make sure they're in the same unit  
9 together.

1 4 : 2 6 : 2 4 10 **Q** Right.

1 4 : 2 6 : 2 4 11 **A** You know.

1 4 : 2 6 : 2 4 12 **Q** And that's exactly what you had -- what you determined was  
13 not true about Nathan Foreman's --

1 4 : 2 6 : 2 8 14 **A** You know, I don't recall whether we actually looked at his  
15 records and showed that they had never been together. My  
16 opinion on Foreman was, is this -- he wasn't able to even  
17 describe Prible.

1 4 : 2 6 : 4 0 18 **Q** Yeah.

1 4 : 2 6 : 4 1 19 **A** And that -- I based that on just when I asked him what he  
20 looked like, and he couldn't tell me. I said, Brown eyes, blue  
21 eyes? He goes, "Hmm." You know, he couldn't -- he didn't -- I  
22 don't think he had even met Prible when we talked to him in  
23 August.

1 4 : 2 6 : 5 4 24 **Q** You think he just heard about his case from somebody?

1 4 : 2 6 : 5 5 25 **A** I think he heard about it, and he was just jumping on trying

**Video Deposition of Johnny Bonds**

1 get -- to get something to help him out.

1 4 : 2 6 : 5 8 2 Q Yeah.

1 4 : 2 7 : 0 5 3 A Now, obviously, he ended up back in Beaumont, and they were  
4 together at some time. He had pictures of them together, so he  
5 may have gone after him. I don't know.

1 4 : 2 7 : 1 2 6 Q Okay. And by going after him, do you mean he may have got  
7 the --

1 4 : 2 7 : 1 5 8 A Tried to get information from him, yeah.

1 4 : 2 7 : 1 6 9 Q Okay.

1 4 : 2 7 : 1 7 10 Mr. Bonds, you mentioned earlier you and Ms. Siegler went  
11 to visit Mr. Prible in prison in May 2001?

1 4 : 2 7 : 2 5 12 A Well, it was in 2001. I'm not real sure of the date.

1 4 : 2 7 : 2 7 13 Q Of the date. Okay.

1 4 : 2 7 : 2 8 14 Do you recall that meeting?

1 4 : 2 7 : 2 9 15 A Yeah. Yeah. He was amazingly cooperative.

1 4 : 2 7 : 3 3 16 Q He was amazingly cooperative?

1 4 : 2 7 : 3 5 17 A Yeah. Yeah. Very talkative and didn't hesitate to answer  
18 questions.

1 4 : 2 7 : 3 9 19 Q Uh-huh. Why'd that surprise you?

1 4 : 2 7 : 4 0 20 A Well, he's a suspect in a capital murder where five people  
21 were killed, and he's the suspect and he's in prison, you know.  
22 I would think anybody that had any sense would say, "I want a  
23 lawyer," or, "I don't want to talk," and he didn't.

1 4 : 2 7 : 5 6 24 Q Did you-all inform him at the time that you spoke with him  
25 that he was a suspect?

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1 4:28:00 1 **A** I'm sure we did, yeah. He knew he was a suspect. He had  
2 been a suspect since it happened.

1 4:28:05 3 **Q** When was the purpose of that meeting?

1 4:28:06 4 **A** I think to verify his statement, see if he told the same  
5 story he told in '99 to see -- see if he had changed it any.

1 4:28:13 6 **Q** Uh-huh. And --

1 4:28:14 7 **A** See if there were any changes.

1 4:28:15 8 **Q** And he hadn't changed it any, had me?

1 4:28:17 9 **A** No, nothing -- I don't remember anything significant.

1 4:28:19 10 **Q** And did you witness Mr. Beckcom's testimony at Prible's  
11 trial?

1 4:28:23 12 **A** No, I did not.

1 4:28:24 13 **Q** Okay. Did you know that his testimony at trial went  
14 straight off of this letter as if it were a script?

1 4:28:30 15 **A** No, I did not.

1 4:28:31 16 **Q** Would that surprise you?

1 4:28:32 17 **A** No, and I'll tell you why. When somebody tells the truth,  
18 they don't have to remember it.

1 4:28:37 19 You have to remember a lie. You don't have to remember the  
20 truth.

1 4:28:45 21 **Q** And you also wouldn't have to remember something if you had  
22 written it down, right?

1 4:28:49 23 **A** Yeah.

1 4:28:50 24 **Q** So if this -- if this informant had written down something,  
25 he wouldn't then have to remember this convoluted story, and

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1 instead, he could look at his written words and remember it,  
2 right?

1 4 : 2 8 : 5 9 3 **A** If he thought it was necessary. I mean, did he have this to  
4 rehearse from? I don't know.

1 4 : 2 9 : 0 6 5 **Q** Well, I'm just wondering why he gave this statement --

1 4 : 2 9 : 0 8 6 **A** Well, if he gave a statement --

1 4 : 2 9 : 1 0 7 **Q** -- to you in this -- one second. Let me finish the  
8 question --

1 4 : 2 9 : 1 2 9 **A** Okay.

1 4 : 2 9 : 1 2 1 0 **Q** -- real quick.

1 4 : 2 9 : 1 3 1 1 I just want to know why he would have given this statement  
12 to you and Ms. Siegler on December 10th, 2001.

1 4 : 2 9 : 1 7 1 3 **A** I don't know. I don't know. But here's -- here's something  
14 else. If he gave us this statement in December and he didn't  
15 testify till ten months later in October of 2002, he didn't have  
16 this to rehearse from. So he had to remember it.

1 4 : 2 9 : 3 6 1 7 **Q** So you don't think Ms. -- or Ms. Siegler had given him any  
18 copy of what he -- or let him keep a copy of his notes?

1 4 : 2 9 : 4 4 1 9 **A** You know, she may have. I don't know.

1 4 : 2 9 : 4 7 2 0 **Q** Okay.

1 4 : 2 9 : 4 7 2 1 **A** She may have.

1 4 : 2 9 : 5 1 2 2 **Q** Now, on the very first page of Exhibit 174, the second  
23 paragraph, it says, "Some months later around October or early  
24 November, Prible approached myself and Nathan Foreman while we  
25 were on the rec yard sitting on some bleachers."



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1 4:30:06 1 **A** Okay.

1 4:30:06 2 **Q** Now, as we've -- you and I have discussed earlier, by this  
3 time, Nathan Foreman was Michael Beckcom's cellmate.

1 4:30:13 4 **A** Okay.

1 4:30:14 5 **Q** And you're saying you did not know that till today?

1 4:30:18 6 **A** I did not know that until you told me that, no.

1 4:30:21 7 **Q** Okay. Okay. So is it -- do you find it somewhat suspicious  
8 that Mr. Beckcom is now coming to you as if he's gotten this  
9 confession out of the blue when, in fact, you-all had been  
10 speaking with his informant -- his cellmate about this case  
11 since four months previously? Does that throw up any red flags  
12 to you?

1 4:30:43 13 **A** Well, it sounds like they're might have -- they might have  
14 colluded to get more information. Yes, it does sound like they  
15 probably said, Hey, let's see if we can milk him for some more  
16 information.

1 4:30:53 17 My -- best of my recollection, we knew about Beckcom  
18 before -- way before December of 2001. I'm not sure of the  
19 date, but I'm thinking we knew about him before we went and  
20 talked to Prible, but I'm not sure.

1 4:31:07 21 **Q** And you've worked with prisons a lot over -- or in, you  
22 know, in the prison system not as an employee, but --

1 4:31:13 23 **A** I've been there many times.

1 4:31:15 24 **Q** You've been there many times.

1 4:31:17 25 And it's important for the prison system to keep a tight

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1 lid on the movement of prisoners to various units --

1 4 : 3 1 : 2 5 2 **A** That's --

1 4 : 3 1 : 2 5 3 **Q** -- I would think.

1 4 : 3 1 : 2 6 4 **A** That's -- you know, I know the state is very, very good and  
5 proficient at doing that. Their documentation is excellent, and  
6 they make sure that the wrong people aren't together.

1 4 : 3 1 : 3 8 7 **Q** Uh-huh.

1 4 : 3 1 : 3 8 8 **A** I'm not so sure about the federal system. I don't know. At  
9 this point, I don't know how good they were about that.

1 4 : 3 1 : 4 3 10 **Q** Okay. But at least as far as you know in the state system,  
11 that -- it would be unusual for an inmate to know that another  
12 inmate was about to come to his unit before he actually got  
13 there?

1 4 : 3 1 : 5 6 14 **A** I would say yes, in the state system, it would be.

1 4 : 3 1 : 5 9 15 **Q** The second full paragraph, his letter says, quote, after  
16 this, it became a daily occurrence that Prible would wait for  
17 Foreman and myself to come outside so we could talk. He started  
18 to become very attached to us, end quote.

1 4 : 3 2 : 1 5 19 Now, does this throw up a red flag for you, again, like we  
20 talked earlier, because Foreman's known about this case since  
21 four months previously?

1 4 : 3 2 : 2 4 22 **A** Well, what throws up a red flag to me, if I remember  
23 right -- what was the date he was filed on for capital murder?  
24 Was that --

1 4 : 3 2 : 3 1 25 **Q** July 5th, 2001.

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1 4 : 3 2 : 3 2 1 **A** So at this point in December, he knows he's filed on for  
2 capital murder.

1 4 : 3 2 : 3 7 3 **Q** Uh-huh.

1 4 : 3 2 : 3 7 4 **A** What throws up a red flag for me is I think this  
5 information -- and here again, I don't know if Foreman had been  
6 in that unit prior to the time we talked to him in August. I  
7 don't know where he was in June, July of 2001. I don't know if  
8 he had been there before.

1 4 : 3 2 : 5 2 9 But -- but my feeling on this information is that this --  
10 this came out before he was indicted for the capital case  
11 because I'm pretty sure we knew about this before the  
12 indictment.

1 4 : 3 3 : 0 4 13 **Q** You think this statement came out before the indictment?

1 4 : 3 3 : 0 8 14 **A** I think -- I think this information -- and I'm -- again, I'm  
15 assuming because I don't have the documents, and I don't recall  
16 seeing when the documents came in. I think Kelly knew about  
17 Beckcom's information prior to the time we went to talk to him.

1 4 : 3 3 : 2 3 18 **Q** Okay. And do you think that because it would have been  
19 improper to obtain an indictment on a defendant knowing that you  
20 have informant in hand but never having spoken to that informant  
21 yet about what they knew, right? That would have been improper?

1 4 : 3 3 : 3 7 22 **A** No. No. What I'm -- what I'm saying is I don't think  
23 Prible would have talked like this after he was indicted. I  
24 think he was not really a brilliant person.

1 4 : 3 3 : 4 6 25 But I think when the case is pending, he knows he's

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1 indicted for capital murder and we're going to seek the death  
2 sentence, that he probably not -- would not, at that point, be  
3 talking about his crime to other inmates. I think prior to  
4 that, he probably would. But after he's indicted and knows this  
5 case is pending, I don't think he would talk to them.

1 4 : 3 4 : 0 5 6 **Q** In the second paragraph on that same page, it says, quote,  
7 Foreman and I began to encourage Prible to be honest with us.  
8 If we were going to do business together, there couldn't be any  
9 lying to one another. I could tell he was struggling with  
10 opening up, but I could that he wanted to, end quote.

1 4 : 3 4 : 2 1 11 Now, it sounds there that Foreman and Beckcom are  
12 describing attempts to elicit incriminating statements from  
13 Mr. Prible.

1 4 : 3 4 : 2 8 14 **A** It does.

1 4 : 3 4 : 2 9 15 **Q** If they had done that after they had spoken with Ms. Siegler  
16 the first time about this case, about working as an informant in  
17 that case, would that throw up a red flag to you?

1 4 : 3 4 : 4 0 18 **A** If she'd have asked them to go after him, that would have  
19 been improper, yeah.

1 4 : 3 4 : 4 4 20 **Q** Now, when you and Kelly interviewed Foreman back in  
21 August 8th, '01, and you immediately found the guy to be just a  
22 liar, did Kelly agree with you?

1 4 : 3 4 : 5 2 23 **A** Uh-huh. Absolutely.

1 4 : 3 4 : 5 3 24 **Q** Okay. What did she say at that time?

1 4 : 3 4 : 5 5 25 **A** Basically, you know, Look, you're wasting our time. Don't

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1 be calling us if you don't know what you're talking about. You  
2 know, we know what you're trying to do, and it's not working.

1 4 : 3 5 : 0 5 3 Q Uh-huh. Uh-huh. If he had called you back later with  
4 information that was -- that he had gotten from Prible, would  
5 that have been a different story, or would you have  
6 automatically sort of --

1 4 : 3 5 : 1 6 7 A I -- I -- you know, my feeling about him was his credibility  
8 was not -- he had no credibility.

1 4 : 3 5 : 2 4 9 Q Was shot?

1 4 : 3 5 : 2 4 10 A Yeah. So, you know, it's possible that he did get new  
11 information. I'm not saying that didn't happen.

1 4 : 3 5 : 3 2 12 Q Uh-huh.

1 4 : 3 5 : 3 3 13 A Apparently, he did befriend him because they got a picture  
14 together in November of '01.

1 4 : 3 5 : 3 7 15 Q Uh-huh.

1 4 : 3 5 : 3 8 16 A So he may have gone and got more information. I mean, we  
17 basically told him at that time, Don't come with us when you  
18 don't know anything.

1 4 : 3 5 : 4 4 19 Q Well, Foreman was eventually moved to the very unit in  
20 medium where Prible --

1 4 : 3 5 : 4 9 21 A Prible was?

1 4 : 3 5 : 5 0 22 Q -- was moved?

1 4 : 3 5 : 5 2 23 A Okay. Well, yeah, obviously.

1 4 : 3 5 : 5 4 24 Q Okay. Now, do you think that was just a coincidence that  
25 they both ended up there?

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1 4:35:58 1 **A** You know, I have no idea. I know we didn't request that  
2 they be put together. I had -- I know that I did not request  
3 that they be put together. I think if that had happened, I  
4 would have been party to it.

1 4:36:09 5 **Q** Okay. Does that sometimes happen?

1 4:36:10 6 **A** We do it in the county jail. I've -- I've seen times in the  
7 past where we want to keep people separate or let's put these  
8 people together and see what happens, you know. But never --  
9 never in prison and never in a federal -- never in a state jail  
10 or -- or a federal prison. Most of the time, it's keep them  
11 separate.

1 4:36:31 12 **Q** Mr. Bonds, in those cases where you did arrange for two  
13 prisoners to be put together --

1 4:36:38 14 **A** Uh-huh.

1 4:36:38 15 **Q** -- how would you go about making that request?

1 4:36:41 16 **A** You know, I'm -- I'm thinking back. It's probably in the  
17 city jail when I was working HPD where we'd have two -- we'd  
18 have codefendants together in custody.

1 4:36:50 19 **Q** Uh-huh.

1 4:36:50 20 **A** And we'd play them against each other, you know, like, Hey,  
21 so-and-so is fixing to drop you in the grease. You just as well  
22 go ahead and give it up. Whoever talks first gets the best  
23 deal, you know.

1 4:37:02 24 So we'd play them against each other like that in the city  
25 jail, which I did back in the '70s. That wasn't unusual to do

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1 that.

1 4 : 3 7 : 0 9 2 Q Uh-huh.

1 4 : 3 7 : 0 9 3 A I don't recall ever doing that at the DA's office, asking  
4 that we put two of them together. Just the opposite. We'd ask  
5 to keep people separate so they wouldn't be talking to each  
6 other.

1 4 : 3 7 : 2 1 7 Q Was there anything stopping y'all from putting them in -- or  
8 putting in that request to the prison?

1 4 : 3 7 : 2 8 9 A To the jail?

1 4 : 3 7 : 2 9 10 Q Yeah.

1 4 : 3 7 : 3 2 11 A No, I can't say that there was --

1 4 : 3 7 : 3 4 12 Q Provision to stopping?

1 4 : 3 7 : 3 8 13 A -- any prohibition, yeah.

1 4 : 3 7 : 3 8 14 Q Yeah. Yeah. So it might have been done, you just can't --

1 4 : 3 7 : 4 0 15 A Nah.

1 4 : 3 7 : 4 0 16 Q -- remember anything specific?

1 4 : 3 7 : 4 0 17 A Huh-uh.

1 4 : 3 7 : 4 1 18 Q Okay. Now, earlier in the deposition, I asked if you ever  
19 had a case where you were talking to several informants about  
20 the same case at the same time, and you said -- I won't get the  
21 quote exactly right, but you said something like it's not as if  
22 we have them lined up in the hall bringing them in one at a  
23 time.

1 4 : 3 8 : 0 3 24 A Uh-huh.

1 4 : 3 8 : 0 4 25 Q Do you remember when you said that?

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**A** Uh-huh.

**Q** Okay. So if you could look at Exhibit 109-6. Those are your notes from the December 10th, 2001, interview with Jefferson, right?

**A** Uh-huh. Uh-huh.

**Q** And then the following page, Exhibit 109-7, those are your notes from the meeting the same day with Foreman, right?

**A** Except I didn't meet with him.

**Q** Kelly met with him?

**A** Okay.

**Q** Right?

**A** As far as I know, yeah.

**Q** Okay. And the following -- the following page, 109-8, those are notes from that same day with -- from a meeting with Beckcom, right?

**A** That's what it looks like, yeah.

**Q** Okay. So in that case, that does look like they were lined up in the hall coming in one at a time?

**A** It looks like they were talked to on the same day.

**Q** But it looks as if three different informants --

**A** Were questioned on the same day.

**Q** -- were the interviewed on the same day back to back, right?

**A** Whoever is in the separate unit. Jefferson's in low. He would not know that she talked to the other two people in medium.



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1 4:39:12 1 Q But the other -- the two people in medium would know?

1 4:39:14 2 A Would know that -- would probably know, hey -- yeah,  
3 especially if they're cellmates, they'd know.

1 4:39:18 4 Q If you notice, attached to this letter is a picture that's  
5 in black and white. It's difficult to -- to see. But you'll  
6 see a picture of three inmates, the middle one being Jeff  
7 Prible?

1 4:39:33 8 A I didn't know that's him. I remember seeing a color  
9 photograph that's a lot clearer.

1 4:39:38 10 Q Right.

1 4:39:38 11 A Yeah. Yeah.

1 4:39:38 12 Q Okay.

1 4:39:39 13 A Okay.

1 4:39:39 14 Q And I'll represent to you that that's a picture of him with  
15 Felix and Oscar Gonzalez --

1 4:39:43 16 A Okay. I didn't know who they were.

1 4:39:45 17 Q And then the second part that is -- sticks out to me is that  
18 Mr. Gonzalez knew about Mr. Prible and his case before Prible  
19 even got to the medium from the low.

1 4:39:57 20 A Okay.

1 4:39:59 21 Q Okay. Now, how would Gonzalez and his dad have known about  
22 Jeff's case before he came to the medium?

1 4:40:04 23 A Well, if they were neighbors, knew he was a suspect in  
24 '99 -- I mean, they -- if they -- he's a neighborhood kid and he  
25 killed somebody else in the neighborhood, they had visitation

**Video Deposition of Johnny Bonds**

1 from family.

1 4 : 4 0 : 1 5 2 I don't know how he -- how long either one of these guys  
3 had been in prison. I don't know if they were in prison in '99  
4 when it happened, or if they were out on the street. If they  
5 lived in the neighborhood and knew about it, they would have  
6 known he was a suspect.

1 4 : 4 0 : 2 6 7 Q But the question is not how they would have known he was a  
8 suspect, but how they knew that he was coming to their  
9 particular unit of the prison --

1 4 : 4 0 : 3 4 10 A I don't have a clue.

1 4 : 4 0 : 3 4 11 Q -- before he got there?

1 4 : 4 0 : 3 6 12 A I don't know.

1 4 : 4 0 : 3 6 13 Q Someone would have had to have given that information,  
14 right?

1 4 : 4 0 : 3 8 15 A If -- if that's true that they knew. You know, I don't know  
16 that they did.

1 4 : 4 0 : 4 2 17 Q Uh-huh.

1 4 : 4 0 : 4 3 18 A And then, also, his motivation in here about why he's coming  
19 forward, I don't believe that either.

1 4 : 4 0 : 4 8 20 Q Yeah. So if this was not believable, you would have just  
21 tossed this aside?

1 4 : 4 0 : 5 3 22 A Well, no, the information -- some of the information may be  
23 right. But his motivation about why he's giving the  
24 information, I don't believe that.

1 4 : 4 0 : 5 9 25 Q Yeah. Yeah.

***Video Deposition of Johnny Bonds***

1 4:40:59 1 **A** He's wanting -- he's wanting to get out of jail early. I  
2 mean, that's what all of them are motivated by.

1 4:41:04 3 **Q** Is it apparent, from reading these letters, that inmates in  
4 Beaumont were talking about this case with each other pretty  
5 freely?

1 4:41:10 6 **A** It seems they were, yes.

1 4:41:12 7 **Q** Yeah. Yeah.

1 4:41:13 8 **A** From reading these letters.

1 4:41:14 9 **Q** Do you know, at trial, that Beckcom testified that he wasn't  
10 talking about Jeff's case with other inmates over at FCI  
11 Beaumont?

1 4:41:21 12 **A** I did not know that.

1 4:41:22 13 **Q** Does that surprise you to hear that he's testified that way?

1 4:41:25 14 **A** No, it didn't. I mean -- you know, I mean, the -- you know,  
15 this -- these guys know that once they testify, everybody in  
16 prison is going to know they're a snitch.

1 4:41:36 17 **Q** Uh-huh.

1 4:41:36 18 **A** And so I could see him trying to be as low keyed about it as  
19 he possibly could at that point because he knows he's in danger  
20 once he goes back.

1 4:41:44 21 **Q** So you can see him lying on the stand to protect himself  
22 later when he goes back?

1 4:41:47 23 **A** Yeah, I could.

1 4:41:48 24 **Q** Okay. And it seems pretty incredible that he would not be  
25 talking to anyone about it when Nathan Foreman is his cellmate,

***Video Deposition of Johnny Bonds***

1 right?

1 4 : 4 1 : 5 6 2 **A** Well, I think they did talk about it. I think they did.

1 4 : 4 2 : 0 1 3 **Q** Now, another thing I noticed about these informant letters,  
4 Exhibits 112 through 114 -- and you're the detective, so I want  
5 to get your take on this, but -- do you have 113 right there?

1 4 : 4 2 : 1 6 6 **A** No.

1 4 : 4 2 : 1 7 7 **Q** Let me get you 113.

1 4 : 4 2 : 1 9 8 **A** I don't think I do.

1 4 : 4 2 : 2 6 9 **Q** I'll get you 113 so you can look at them all together.

1 4 : 4 2 : 3 6 10 Now, any detective could see right away that these look  
11 like they're all written by the same person.

1 4 : 4 2 : 4 1 12 **A** It looks like they're typed on the same type writer. The  
13 form is exactly the same.

1 4 : 4 2 : 4 5 14 **Q** Right. The format?

1 4 : 4 2 : 4 6 15 **A** Uh-huh.

1 4 : 4 2 : 4 6 16 **Q** Uh-huh. Okay.

1 4 : 4 2 : 4 9 17 **A** Maybe they had a secretary. It is a federal prison, you  
18 know.

1 4 : 4 2 : 5 5 19 **Q** And if you had seen these letters at the time they were  
20 sent, it would have popped out to you pretty quick these guys  
21 were all write- --

1 4 : 4 3 : 0 1 22 **A** They -- they all looked identical.

1 4 : 4 3 : 0 3 23 **Q** The same person was writing them?

1 4 : 4 3 : 0 4 24 Yeah. Okay.

1 4 : 4 3 : 0 7 25 **A** And you know --

***Video Deposition of Johnny Bonds***

Q And now that --

A The signatures are different, but I'm guessing, you know, they may have had somebody else type these up for them.

Q Okay. And if you look at Exhibit 180.

A It looks to be the same format.

Q And Exhibit 180 was a letter from Michael Beckcom that was found in his case file in his Port Aransas case?

A Okay.

Q Okay. So now that you see all these together, it's pretty parent that Michael Beckcom was the one that typed these letters up, right?

A It's apparent to me that the -- that the same person typed these up. I don't know who it was.

Q Right.

A It's someone that's pretty proficient, I think, at typing. Much better than I am.

Q Right.

But the point is, Mr. Beckcom wrote up this letter, Exhibit 180, and sent it in for a state case.

A Okay.

Q And now, obviously, the other informants involved in Prible's case would have had nothing do with his state case.

A No.

Q So he must have written -- typed this up himself?

A Right. Right.

***Video Deposition of Johnny Bonds***

1 4 : 4 4 : 0 9 1 Q Mr. Beckcom, you'll recall, was convicted of capital murder  
2 for locking a friend in a toolbox, closing the door, putting a  
3 exhaust pipe from his car in there and turning it on for about  
4 15 minutes and killing the guy.

1 4 : 4 4 : 2 2 5 Do you remember that?

1 4 : 4 4 : 2 3 6 A I didn't know the details till later, but yes, I do remember  
7 he killed somebody. It was over a dope deal, if I remember  
8 correctly.

1 4 : 4 4 : 3 0 9 Q It was -- it was over, actually, a -- the person he killed  
10 was an informant against him and some friends in a scheme. I  
11 think it was an insurance fraud scheme.

1 4 : 4 4 : 4 0 12 A Oh, okay. Okay.

1 4 : 4 4 : 4 0 13 Q Does that sound familiar?

1 4 : 4 4 : 4 2 14 A I didn't --

1 4 : 4 4 : 4 2 15 Q Okay.

1 4 : 4 4 : 4 3 16 A -- remember what it was, but I knew he killed somebody.

1 4 : 4 4 : 4 5 17 Q Right. Right.

1 4 : 4 4 : 4 5 18 A Yeah. And I remember the details. It was pretty gruesome,  
19 pretty intentional.

1 4 : 4 4 : 4 9 20 Q Pretty -- yeah. Yeah.

1 4 : 4 4 : 5 1 21 And were you aware that he -- he served as an informant in  
22 that very case against his codefendants?

1 4 : 4 4 : 5 7 23 A No, I did not.

1 4 : 4 4 : 5 8 24 Q Okay. Did you know that he was found to have perjured  
25 himself by the federal judge at that trial?

***Video Deposition of Johnny Bonds***

**A** No, I did not.

**Q** Okay. Would these things have raised a red flag to you as to his credibility in testifying in Prible's trial?

**A** Well, it's always going to be something. I mean, that's something -- and Kelly and I have had these discussions on other trials. Like, you need to tell the jury this upfront. This guy is a convicted felon. He's come forward because he wants something out of this. You know, he's not an upstanding citizen. And tell them the criminal history, and tell them what they did.

So unfortunately, again, sometimes we have to use people that we really don't like as witnesses, but they have information we need. And the only way to get to it is by working a deal with them.

**Q** Okay. But that presupposes that you, yourself, believe what that witness is saying, right?

**A** I believe he told the truth in the trial, yes.

**Q** Okay. You believe he testified truthfully?

**A** Yes, I do.

**Q** Were you -- and you were not at that trial to watch him testify?

**A** No, but I -- I know what he testified to. I heard what he testified to. And, basically, it fit -- it fit the facts of the crime. So I think he testified truthful.

**Q** Did you ever review the transcript of his trial testimony?

**Video Deposition of Johnny Bonds**

1 4 : 4 6 : 0 8 1 **A** No.

1 4 : 4 6 : 0 9 2 **Q** Okay. So sitting here today, how can you say that he  
3 testified truthfully if you can't --

1 4 : 4 6 : 1 3 4 **A** Just from what Kelly told me, and that he got up there, he  
5 told the truth, he told her everything that happened.

1 4 : 4 6 : 1 8 6 **Q** Okay. From what Ms. Siegler says?

1 4 : 4 6 : 2 0 7 **A** Yeah.

1 4 : 4 6 : 2 0 8 **Q** Okay. Whose responsibility was it at the DA's office to  
9 provide defense counsel with discovery?

1 4 : 4 6 : 2 8 10 **A** Well, I mean, if -- if they file discovery motions and, you  
11 know, the court rules in their favor, if they filed the motions,  
12 we have to comply. So it would be the prosecutor that handles  
13 that case. It would be the prosecutor's responsibilities, not  
14 the investigator.

1 4 : 4 6 : 4 3 15 **Q** Is it your experience, also, that inmates, informants in  
16 prison don't necessarily care if the person they are setting up  
17 actually did what they said they did?

1 4 : 4 6 : 5 2 18 **A** If they think they can get by with -- with, you know,  
19 getting something for themselves, yeah, they'll -- they'll cut  
20 somebody else's throat in a heartbeat. They don't care.

1 4 : 4 7 : 0 1 21 *(Conclusion of video deposition.)*

1 4 : 4 7 : 0 8 22 **THE COURT:** Are we about to have another long  
23 deposition?

1 4 : 4 7 : 1 0 24 **MS. SCARDINO:** Your Honor, we have a 30-minute  
25 deposition we could play or -- if you want to take a break now.



**Video Deposition of Vic Wisner**

**THE COURT:** I'm just asking you the -- those of you assembled, we want to break now, or you want to try to do something else? Okay. Let's go ahead. Go ahead.

**MS. SCARDINO:** Your Honor, petitioner calls Vic Wisner, who's the cocounsel of Ms. Siegler at the trial.

**THE COURT:** Okay.

**MS. SCARDINO:** And Mr. Wisner's deposition is almost 30 minutes, I think.

*(Video deposition of Vic Wisner played as follows.)*

**EXAMINATION**

**Q** What was your understanding of the Brady rule back in 2001, 2002, when you were prosecuting Mr. Prible?

**A** That we were to handle, obviously, any exculpatory material, and exculpatory material could and should include any matter that could be used for impeachment.

**Q** Okay. And if a witness was interviewed and had information that would be favorable to the accused, and you decided not to use that witness -- not to call that witness in your case, was it your understanding that the prosecutor was obligated to reveal the identity of that witness to the defense?

**A** Of course.

**Q** Okay. In other words, you couldn't keep the defense in the dark about the existence of a witness that they would otherwise not have known about?

**A** Of course. And that would be what led to, you know, the

**Video Deposition of Vic Wisner**

1 Michael Morton fiasco.

1 4 : 4 8 : 4 0 2 Q Right. Do a prosecutor's obligations under Brady depend on  
3 whether the witness to whom the evidence relates is testifying  
4 or nontestifying?

1 4 : 4 8 : 5 2 5 A No.

1 4 : 4 8 : 5 4 6 Q Okay. It's the same across the board?

1 4 : 4 8 : 5 6 7 A Yes.

1 4 : 4 8 : 5 6 8 Q Okay. And when must Brady evidence be disclosed?

1 4 : 4 8 : 5 9 9 A As soon as possible.

1 4 : 4 9 : 0 0 10 Q Okay. So what was the procedure -- so the -- excuse me.

11 The burden is not on the defense, in other words, to request the  
12 evidence? The onus is on the prosecutor to produce it as -- as  
13 soon as possible?

1 4 : 4 9 : 1 1 14 A Yes.

1 4 : 4 9 : 1 1 15 Q Okay. What was the procedure at the DA's office concerning  
16 the disclosing of evidence from the case file to the defense?

1 4 : 4 9 : 2 5 17 A We would always have an open file policy unless there was  
18 some extraordinary need not to, but it would not include our  
19 personal notes in preparation for trial.

1 4 : 4 9 : 3 8 20 Q Work product as --

1 4 : 4 9 : 3 9 21 A Right.

1 4 : 4 9 : 3 9 22 Q -- as that is defined under the law?

1 4 : 4 9 : 4 2 23 A Yes, ma'am.

1 4 : 4 9 : 4 2 24 Q Work product. Okay.

1 4 : 4 9 : 4 6 25 And when you would release information to defense counsel,

**Video Deposition of Vic Wisner**

1 was it your practice to make a note of what you had disclosed to  
2 them?

1 4 : 4 9 : 5 2 3 **A** No.

1 4 : 4 9 : 5 4 4 **Q** There would be no written record or of any other kind of  
5 record of what they had actually received from you?

1 4 : 4 9 : 5 9 6 **A** No, but they would know that anything other than what I  
7 labeled as work product would have been available to them.

1 4 : 5 0 : 0 6 8 **Q** Would you ever contact formants -- informants you had used  
9 in other cases to see if they could recruit other informants for  
10 you?

1 4 : 5 0 : 1 2 11 **A** Never.

1 4 : 5 0 : 1 2 12 **Q** Okay. When defense attorneys -- if defense attorneys would  
13 have come in to review -- and I'm talking about back in 2001,  
14 2002 when you worked at the DA's office, not in your position  
15 now as a defense attorney.

1 4 : 5 0 : 2 4 16 But when defense attorneys would come in to review the file  
17 at the DA's office, would they be allowed to make copies of any  
18 documents in that file?

1 4 : 5 0 : 3 3 19 **A** No, unless it was their client's statement or something  
20 extraordinary.

1 4 : 5 0 : 3 7 21 **Q** Okay. So they would just have to look at the file and make  
22 notes?

1 4 : 5 0 : 4 0 23 **A** Yes.

1 4 : 5 0 : 4 0 24 **Q** Did you ever have any phone calls with Mr. Beckcom?

1 4 : 5 0 : 4 5 25 **A** Not to my knowledge, certainly not.

**Video Deposition of Vic Wisner**

1 4:50:47 1 Q Okay. And why -- you say "certainly not." But did you ever  
2 speak with informants on the telephone that were --

1 4:50:53 3 A One on one?

1 4:50:54 4 Q -- from prison?

1 4:50:55 5 A No. I'm not even sure I could have accepted the call.

1 4:50:58 6 Q Could you have made a phone call to a --

1 4:51:00 7 A Sure.

1 4:51:00 8 Q -- prisoner at BOP?

1 4:51:02 9 A Sure.

1 4:51:03 10 Q Yeah. And how that would go about?

1 4:51:04 11 A I think I might have done that once or twice. I think it's  
12 just you have to call and hope that somebody there is willing to  
13 take the time to put them on the phone.

1 4:51:13 14 Q But do you know if phone calls from the federal prison are  
15 recorded?

1 4:51:16 16 A I do not. I would assume they are.

1 4:51:19 17 Q Okay.

1 4:51:19 18 A But I do not know that for a fact.

1 4:51:21 19 Q Okay. You would assume the ones maybe from the inmate  
20 phones -- the regular inmate phones are recorded or also --

1 4:51:26 21 A I would assume so.

1 4:51:27 22 Q Okay. Would you assume that the ones between -- or from or  
23 to a unit manager or BOP employee's personal phone at the unit,  
24 would you think that those phone calls would be recorded?

1 4:51:39 25 A Their personal phone, I would not think so. But really, I

***Video Deposition of Vic Wisner***

1 don't know.

1 4 : 5 1 : 4 5 2 Q Do you remember that story at trial, that that was the story  
3 at trial, that he and Mr. Prible really bonded over these few  
4 weeks that they were together at this unit at FCI Beaumont, and  
5 only after creating this close relationship did Mr. Prible come  
6 forward and confess everything to Mr. Beckcom?

1 4 : 5 2 : 0 0 7 A That sounds right.

1 4 : 5 2 : 0 3 8 Q Okay. And that was an important picture to paint for the  
9 jury in terms of Mr. Beckcom's credibility, right?

1 4 : 5 2 : 0 9 10 A I mean, I'm not trying -- trying to be difficult with you.  
11 I just don't -- it's not like we didn't have any evidence, and  
12 the only evidence was the informant. We could have tried it  
13 without the informant.

1 4 : 5 2 : 1 9 14 Q But you didn't try it without the informant. You tried it  
15 with the informant, right?

1 4 : 5 2 : 2 3 16 A Yes.

1 4 : 5 2 : 2 4 17 Q Did you know that there was, originally, a different  
18 informant in this case?

1 4 : 5 2 : 2 9 19 A No.

1 4 : 5 2 : 3 0 20 Q You did not know that? Okay.

1 4 : 5 2 : 3 3 21 His name was Nathan Foreman. Does that name sound  
22 familiar?

1 4 : 5 2 : 4 2 23 A I don't think so.

1 4 : 5 2 : 4 4 24 Q Okay. Did you know that back on August 8th, 2001, before  
25 Mr. Prible was even indicted, that Ms. Siegler and Johnny Bonds

***Video Deposition of Vic Wisner***

1 met with Foreman at FCI Beaumont, and he told them that  
2 Mr. Prible had confessed to him?

1 4 : 5 2 : 5 5 3 **A** No, because if they would have told me that George Foreman's  
4 nephew had met with them, it would have stuck out in my mind.

1 4 : 5 3 : 0 2 5 **Q** Yeah. So you had no knowledge of this?

1 4 : 5 3 : 0 4 6 **A** No.

1 4 : 5 3 : 0 4 7 **Q** Did you know that they figured out right away that Foreman  
8 was lying --

1 4 : 5 3 : 0 7 9 **A** No.

1 4 : 5 3 : 0 8 10 **Q** -- because he couldn't even describe what Jeff looked like?

1 4 : 5 3 : 1 1 11 **A** No.

1 4 : 5 3 : 1 1 12 **Q** Okay. Did you know that they figured out that Foreman  
13 hadn't even met Jeff Prible at the time that he said he heard he  
14 confessed?

1 4 : 5 3 : 1 8 15 **A** No.

1 4 : 5 3 : 1 8 16 **Q** Okay. Did you know that Siegler, nevertheless, kept in  
17 communication with Mr. Foreman throughout the whole period of  
18 time that Beckcom was befriending Prible and attempting to  
19 elicit a confession from him?

1 4 : 5 3 : 2 8 20 **A** No.

1 4 : 5 3 : 2 8 21 **Q** Okay. Do you know, in fact, that Foreman was Beckcom's  
22 cellmate?

1 4 : 5 3 : 3 4 23 **A** No.

1 4 : 5 3 : 3 6 24 **Q** Did you know that Foreman became Beckcom's cellmate after he  
25 had already been talking with Siegler about this case?

**Video Deposition of Vic Wisner**

1 4 : 5 3 : 4 1 1 **A** No.

1 4 : 5 3 : 4 2 2 **Q** Okay. Do you know that when Foreman first made contact with  
3 Siegler, he was in the segregated housing unit, but then shortly  
4 afterwards, he was moved to FCI Beaumont Medium in the same unit  
5 as Mr. Prible was moved to and in the same unit as Mr. Beckcom  
6 so that they would all be housed together?

1 4 : 5 4 : 0 0 7 **A** No.

1 4 : 5 4 : 0 1 8 **Q** Okay. Do you think it was just a coincidence that of all  
9 the units that Mr. Prible could have been put into and all the  
10 units that Mr. Foreman and Mr. Beckcom could have ended up in,  
11 they were all moved into the same spot?

1 4 : 5 4 : 1 4 12 **A** I don't know.

1 4 : 5 4 : 1 6 13 **UNIDENTIFIED SPEAKER:** Objection.

1 4 : 5 4 : 1 9 14 **Q** Does this trouble you as a prosecutor with Brady obligations  
15 that you didn't know this information?

1 4 : 5 4 : 2 1 16 **A** No, because I wasn't in charge of the information. I didn't  
17 have it. I couldn't be responsible for Brady on something I  
18 didn't know.

1 4 : 5 4 : 2 7 19 **Q** Is that your understanding of Brady, that if you didn't know  
20 that information existed, that you don't have an obligation to  
21 reveal it?

1 4 : 5 4 : 3 5 22 **A** I don't follow what you're saying. You're saying I should  
23 search out information that I don't know about and --

1 4 : 5 4 : 4 2 24 **Q** I'm asking you if that's your understanding of your  
25 obligation under Brady.

***Video Deposition of Vic Wisner***

1 4 : 5 4 : 4 6 1 **A** I don't understand follow your question. Are you saying I  
2 should ask a prosecutor I'm sitting with, Do you have any Brady  
3 information that you're not telling me, and I need you to tell  
4 me so I can tell -- tell the defense?

1 4 : 5 4 : 5 8 5 **Q** I'm asking you if you, as a prosecutor, are charged with  
6 knowing of any Brady evidence that has come to light either  
7 through your office or through law enforcement investigation?

1 4 : 5 5 : 0 9 8 **A** If something had come to my attention that was Brady, I  
9 would have made sure that it was disclosed. But I cannot read  
10 people's minds, and I don't know have access to information that  
11 I don't know.

1 4 : 5 5 : 2 0 12 **Q** And, likewise, a defense attorney couldn't read a  
13 prosecutor's mind and know what they know if that prosecutor  
14 hadn't revealed it to the defense; is that correct?

1 4 : 5 5 : 2 9 15 **A** Of course.

1 4 : 5 5 : 3 4 16 **Q** Did you know that in addition to Mr. Beckcom and  
17 Mr. Foreman, there were other inmates over there at FCI Beaumont  
18 who were auditioning for this role of informant against  
19 Mr. Prible?

1 4 : 5 5 : 4 3 20 **A** No.

1 4 : 5 5 : 4 5 21 **Q** So if you could please read Exhibit 113. This is a letter  
22 from Carl Walker to Ms. Siegler.

1 4 : 5 5 : 5 3 23 **A** Yes, ma'am.

1 4 : 5 5 : 5 4 24 **Q** Have you ever seen this letter before?

1 4 : 5 5 : 5 6 25 **A** To my knowledge, no.



**Video Deposition of Vic Wisner**

1 14:55:58 Q Okay. I'm going to show you Exhibit 114. This is a letter  
2 from Mark Martinez to Ms. Siegler.

1 14:56:12 3 Have you ever seen this letter before?

1 14:56:15 A To my knowledge, no.

1 14:56:17 Q Now, knowing what you know now, now that you've seen these  
6 three letters and those photos and that it appeared that there  
7 were no less than six informants discussing the case among  
8 themselves with Mr. Foreman and Mr. Beckcom --

1 14:56:34 A Uh-huh.

1 14:56:35 Q -- at the prison, does that cast doubt on the veracity of  
11 Beckcom's story at trial, that everything he heard about this  
12 case he heard from Mr. Prible?

1 14:56:44 A I would not agree with that.

1 14:56:45 Q Why not.

1 14:56:47 A I think you'd have to see what he knows. Just 'cause there  
16 are a lot of people in a federal prison trying to get help does  
17 not mean that he's -- meaning your client, Mr. Prible, isn't  
18 telling a lot of people what he did and why he did it, either to  
19 brag or stay out of trouble with people who might seek to --  
20 seek to retaliate against him.

1 14:57:11 Obviously, in a perfect world, you'd want somebody like  
22 Beckcom coming forward with absolutely no access to any  
23 knowledge or the Internet or anything. A guy told me this, and  
24 if it's true, I might be able to help you. But we don't live in  
25 a perfect world.

**Video Deposition of Vic Wisner**

1 4:57:26 1 Q But now you're on the other side of the fence.

1 4:57:29 2 A Right.

1 4:57:29 3 Q And as a defense attorney, if you were representing  
4 Mr. Prible, wouldn't you be able to use these documents to  
5 impeach Mr. Beckcom's testimony at trial?

1 4:57:36 6 A Probably so. At least I'd try to, yes.

1 4:57:44 7 Q And were you aware that Ms. Siegler met with three potential  
8 informants back to back on December 10th, 2001, at FCI Beaumont?

1 4:57:53 9 A No.

1 4:57:54 10 Q I'm going to show you an exhibit, 52. This is a handwritten  
11 letter from Jesse Moreno to Ms. Siegler dated April 5th, 2001.  
12 If you could read it to yourself, please?

1 4:58:20 13 A Yes, ma'am.

1 4:58:21 14 Q Thanks.

1 4:58:23 15 A Yes, ma'am.

1 4:58:24 16 Q Have you ever seen that letter before?

1 4:58:25 17 A To my knowledge, no.

1 4:58:26 18 Q Okay. I'm going to show you another exhibit, 53. This is  
19 another handwritten letter to Ms. Siegler. This one is from  
20 Celia Moreno, Jesse Moreno's mom. It's dated April 10th, 2001.  
21 Just if you could read it to yourself, please.

1 4:58:43 22 A Yes, ma'am.

1 4:58:43 23 Q Okay. Have you ever seen that letter before?

1 4:58:45 24 A To my knowledge, no.

1 4:58:47 25 Q Okay. And on July 3rd, 2001, after these letters were

**Video Deposition of Vic Wisner**

1 received, Ms. Siegler met with Jesse Moreno in person at the  
2 Beaumont marshal's office. Are you aware of this meeting?

1 4 : 5 9 : 0 0 3 **A** No, ma'am.

1 4 : 5 9 : 0 1 4 **Q** Okay. Did you know that at that July 3rd, 2001, meeting,  
5 Mr. Moreno talked to Ms. Siegler about his friend, Nathan  
6 Foreman, who was in the SHU with him at that time?

1 4 : 5 9 : 0 9 7 **A** No.

1 4 : 5 9 : 1 0 8 **Q** Okay.

1 4 : 5 9 : 1 1 9 **A** I don't know anything about Nathan Foreman because I don't  
10 know names. But if I had heard that George Foreman's nephew was  
11 involved, that would have stood out in my mind.

1 4 : 5 9 : 2 0 12 **Q** And did you know that at that July 3rd, '01, meeting,  
13 Mr. Moreno spoke with Ms. Siegler about a murder confession he  
14 heard from an inmate named Hermilio Herrero?

1 4 : 5 9 : 3 1 15 **A** No, ma'am.

1 4 : 5 9 : 3 1 16 **Q** Does this same sound familiar, Hermelio Herrero?

1 4 : 5 9 : 3 4 17 **A** Not to my knowledge, no.

1 4 : 5 9 : 3 5 18 **Q** And you weren't aware, you said earlier, that Mr. Bonds and  
19 Ms. Siegler met with Nathan Foreman in person on August 8th,  
20 2001, to discuss Mr. Prible's case?

1 4 : 5 9 : 4 5 21 **A** I would say no, but I was aware that Johnny -- I believe --  
22 at the time they worked on the case, I believe Kelly was  
23 probably head of major offenders, and Johnny would have been  
24 assigned to her. So I know that they worked together.

1 4 : 5 9 : 5 8 25 **Q** Uh-huh.

**Video Deposition of Vic Wisner**

**A** But in terms of what they did, I don't know.

**Q** And so you didn't know that at this 8/8/01 meeting, Ms. Siegler and Mr. Bonds both came out of it thinking that Mr. Foreman was a liar?

**A** No, but you mentioned that to me earlier this morning.

**Q** Okay. As a defense attorney, would you have wanted to know about all of these dealings between the prosecutor, Mr. Moreno, and Mr. Foreman in the setup of Mr. Prible?

**A** I would say yes.

**Q** So Ms. Siegler prosecuted Herrero -- Hermilio Herrera in April 2002. Did you know that the same snitches were involved in that case as well, Nathan Foreman, Jesse Moreno, Rafael Dominguez, and Carl Walker?

**A** No, ma'am.

**Q** Okay. As a defense attorney and knowing that Mr. Moreno was the individual who put Mr. Foreman and Ms. Siegler in contact together for the Prible case, would you have wanted to know about all this background of these snitches also working for her in the Herrero case?

**A** I guess so.

**Q** And you said that your practice was -- or the practice there was that it was an open file unless something was placed in a work product file.

Do you remember saying that?

**A** No. You can't just place something in a work product file.

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1 Work product has to be work product.

15:01:29 2 Q Yes. Yes, I agree with you.

15:01:31 3 A You can't just hide something in a work -- work product file  
4 to absolve it from being -- from being disclosed. At least I  
5 wouldn't.

15:01:39 6 Q Right. The work product has to be actual work product if  
7 you're going to keep it --

15:01:44 8 A Of course.

15:01:44 9 Q Yes.

15:01:45 10 Were you aware that these letters that I showed you,  
11 Exhibits 112 through 114, as well as some other correspondence  
12 between Ms. Siegler and these informants, was found in her work  
13 product file for the Prible case?

15:02:00 14 A I have no idea where they were found.

15:02:02 15 Q Okay. Would that surprise you if I told you that they were  
16 found there? They don't appear to be work product, do they, as  
17 that term is defined under the law?

15:02:08 18 A They would not be work product, at least from my  
19 classification of a file, unless I made my own notes on them  
20 maybe after I spoke with the witness or spoke with the  
21 informant.

15:02:22 22 Q And had actually put your work product on them?

15:02:24 23 A Right.

15:02:25 24 Q Yeah.

15:02:25 25 I mentioned earlier that Johnny Bonds testified that he

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1 immediately thought that Mr. Foreman was a liar after speaking  
2 to him on August 8th, 2001, and that Siegler thought he was  
3 lying as well.

15:02:42 4 Would you have wanted to know that as a defense attorney,  
5 if you were representing Mr. Prible, if the very first informant  
6 on this case trying to testify against your client had not even  
7 known -- had never even met your client at the time that he had  
8 first come forward?

15:03:01 9 **A** I'd want to know that, but I think it would be -- and I'm  
10 not trying to argue with you at all. So please don't take this  
11 wrong.

15:03:07 12 It would be a lot more important if the only evidence in  
13 this case was Beckcom, but it just wasn't. It was just  
14 something to give color to the case. If it was Beckcom was the  
15 only witness, then, obviously, because then that's all you have  
16 is on the testimony of somebody in federal prison, but you  
17 don't.

15:03:25 18 **Q** But you said, quote, we may bring you someone who's seeking  
19 some sort of incentive in exchange for his testimony. Just do  
20 us one favor, keep an open mind, evaluate his testimony in light  
21 of the other witness' testimony, in light of the physical  
22 evidence. Then and only then decide whether or not that person  
23 is telling you the truth. End quote.

15:03:45 24 And you were referring there to Mr. Beckcom, right?

15:03:48 25 **A** Yes, I would assume so.

**Video Deposition of Vic Wisner**

15:03:50 1 Q Okay. Now that you know about all of these other documents  
2 that were concealed in Ms. Siegler's work product file, now that  
3 you know about her ongoing communications with a web of  
4 informants that she was working with on two cases  
5 simultaneously, do you feel that a jury could have fully  
6 evaluated Beckcom's testimony without knowing all that?

15:04:15 7 A I would assume that they were skeptical. They knew he was a  
8 federal inmate who was in custody on very serious charges, and  
9 he wanted consideration for what he did. So I would say I think  
10 they could have fully evaluated him.

15:04:29 11 Q If you had -- as a defense attorney, would you have objected  
12 to that closing argument, knowing that you had -- your client  
13 had not had access or the knowledge of these other witnesses  
14 that Ms. Siegler had been dealing with?

15:04:57 15 A I would say no. I -- I don't -- I don't buy into your  
16 theory. I'm sorry. I just don't.

15:05:03 17 Q You don't -- and also in your closing argument, on page 9,  
18 line 12, you told the jury that in order to find Prible not  
19 guilty, they'd have to believe that, quote, this defendant is  
20 the unluckiest, unluckiest criminal defendant who has ever set  
21 foot in a courtroom, and there has been a conspiracy to frame  
22 this defendant, both in the free world and prison, so audacious  
23 it makes any frame-up that has ever been conducted in the annals  
24 of crime look like child's play, closed quote.

15:05:33 25 And when you said that, you weren't aware of all this other

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1 information about Ms. Siegler setting him up with these other  
2 informants, were you?

15:05:39 3 **A** No, but I can answer that if you want.

15:05:41 4 **Q** The question is: Would you want this information? Would  
5 you try to build a case, as a defense attorney, that he was  
6 being set up by informants?

15:05:49 7 **A** No. If I was the defense attorney, I would have to come up  
8 with some sort of theory about how his semen was found in the  
9 dead woman's mouth. Because if not, he's guilty. We didn't  
10 even need any informants. I'm just being honest with you.

15:06:01 11 **Q** Okay. So there was a defensive theory, wasn't there? The  
12 defensive theory, let's just be simple about it, was that it was  
13 consensual sex?

15:06:10 14 **A** But like in my argument, I mean, you wouldn't even write  
15 something on television that was that crazy.

15:06:15 16 **Q** And did you know anything about this woman's sexual history?

15:06:18 17 **A** No.

15:06:19 18 **Q** Did you have any information that Mr. Prible had -- any  
19 other information other than the -- than the semen that she was  
20 assaulted by Mr. Prible?

15:06:27 21 **A** No.

15:06:27 22 **Q** Okay. So it's just the semen in her mouth?

15:06:30 23 **A** It's very damning.

15:06:31 24 **Q** And -- right. But he was -- and what's damning about it is  
25 that it places him at the scene of the crime, correct?



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15:06:37 1 A Yes.

15:06:38 2 Q You cannot tell from the semen in the mouth whether it was  
3 consensual or nonconsensual, can you, by just that fact that if  
4 someone had semen in her mouth?

15:06:47 5 A Just that fact or the surrounding circumstances?

15:06:49 6 Q Just that fact.

15:06:49 7 A Of course not.

15:06:50 8 Q So they were both -- if the evidence -- if I'm correct and  
9 if the record would show it, they were both highly intoxicated?

15:06:59 10 A Prible?

15:07:00 11 Q Prible and Mr. Herrera.

15:07:03 12 A I don't recall.

15:07:03 13 Q But if -- let's suppose that the evidence shows that.

15:07:08 14 A Yes, sir.

15:07:08 15 Q So there is an opportunity for consensual sex in such a  
16 situation?

15:07:12 17 A It seems very implausible to me. As I said, you wouldn't  
18 even write up -- write up a television script like that.

15:07:19 19 Q And you don't -- you don't -- in your history as a defense  
20 attorney, you haven't come across situations like this?  
21 Dysfunctional families where affairs have take- -- carried on,  
22 where sex is rather easily exchanged?

15:07:33 23 A Not like this, no.

15:07:35 24 Q You haven't?

15:07:36 25 A That was a beautiful woman. Her husband is a dangerous man

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1 who was passed out or fallen asleep, and she decides to give  
2 this very unattractive man, who seems to have no personality at  
3 all, oral sex. And then he leaves, and someone else comes in so  
4 fast and kills them while semen is still in her mouth?

15:07:53 5 Q Well, it doesn't have to be so fast, does it?

15:07:55 6 A Well, it seems --

15:07:56 7 Q You don't -- you don't recall the timeline, do you?

15:07:58 8 A It would seem to be pretty fast if the semen was still in  
9 her mouth.

15:08:01 10 Q Okay. So that's the scientific evidence I mean, you're  
11 basing your judgments on; isn't that right?

15:08:05 12 A Yeah.

15:08:06 13 Q That the semen would be -- okay.

15:08:08 14 A Like I said, and I'm not trying to argue with you, if all we  
15 had was a confession of Beckcom, what you -- all of this would  
16 be extremely important to me both as a prosecutor and defense  
17 attorney.

15:08:20 18 Q Okay. Let's just go ahead --

15:08:21 19 A But --

15:08:23 20 Q Let's just make --

15:08:23 21 A Okay.

15:08:23 22 Q -- that assumption. You don't have the semen.

15:08:25 23 A Okay.

15:08:25 24 Q You don't have the semen. You just have Beckcom's  
25 testimony.

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15:08:28 1 **A** Right.

15:08:29 2 **Q** Then this becomes highly important?

15:08:30 3 **A** Much more important without the semen.

15:08:31 4 **Q** Much more important?

15:08:32 5 **A** Of course.

15:08:34 6 **Q** The letters from the other informants showing that they were  
7 aware of Beckcom's -- aware of Beckcom and that they were in  
8 communication about this case together, that -- that becomes  
9 important?

15:08:45 10 **A** Yes. But I'm not even sure the case is tried if there isn't  
11 the semen in her mouth.

15:08:51 12 **Q** So in Mr. Beckcom's testimony at trial, your understanding  
13 was that Nathan Foreman heard everything that he did. He was  
14 there every step of the way.

15:09:04 15 **A** I don't recall that. If you say so, I would agree to it.

15:09:09 16 **Q** Okay. So given that background, does it become significant  
17 that Nathan Foreman, who is being used and rewarded in another  
18 case, the Herrero case, is taking photographs of -- with himself  
19 posing with Prible?

15:09:25 20 **A** I don't think it's all that significant, to be honest with  
21 you.

15:09:26 22 **Q** Would you, as a defense attorney, supposedly with no semen,  
23 want this photograph?

15:09:31 24 **A** I would want it, but like I said, it would be the least of  
25 my problems in this case.

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15:09:34 1 Q No, I'm saying without the semen.

15:09:36 2 A Without the semen? Oh, yes.

15:09:38 3 Q Okay. Fine. Thank you.

15:09:39 4 That's what -- that's the background premise.

15:09:41 5 And do you understand that --

15:09:45 6 A Without the semen, your whole job is attacking the  
7 informant.

15:09:48 8 Q Correct. And -- and do you understand that before  
9 Mr. Prible's trial, a letter was written on behalf of  
10 Mr. Foreman on behalf of other snitches in the Herrero case who  
11 were all in FCI Beaumont -- this ring is in FCI Beaumont --  
12 seeking to assist them with Rule 35 reductions in the federal  
13 system?

15:10:13 14 A Yes.

15:10:14 15 Q Would it be important for you to know that Mr. -- that  
16 Ms. Siegler was writing on behalf of this informant, who was now  
17 the cellmate of Michael Beckcom? Would you have used that to  
18 impeach Michael Beckcom's testimony?

15:10:29 19 A I would have in either case, but it becomes, obviously, a  
20 lot less important due to the physical evidence.

15:10:36 21 Q Thanks. Okay.

15:10:38 22 But it -- it's the -- but as you said, it becomes much more  
23 important if that physical evidence was not present?

15:10:44 24 A Yeah. But like I said in that case, I doubt the case is  
25 even tried.

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15:10:48 1 Q Right.

15:10:55 2 And one of the opinions is -- as a defense attorney, you'd  
3 want to know is who sent you these photographs; is that correct?

15:11:01 4 A Sure.

15:11:02 5 Q All right. Who sent you the photograph of Mr. Prible  
6 surrounded by one, two, three, four, five, six, seven other  
7 people that were being used by Ms. Siegler in another case or in  
8 this case to inform on Mr. Prible or on Mr. Herrero?

15:11:16 9 A Yes, sir.

15:11:17 10 Q Okay. That would be -- given there was no -- the physical  
11 evidence was not significant, if you didn't have the semen, that  
12 would be an extremely important piece of information for you to  
13 have?

15:11:28 14 A Right.

15:11:29 15 Q Okay.

15:11:29 16 A But as we spoke about, I don't see how this case gets  
17 tried --

15:11:32 18 Q That's correct?

15:11:32 19 A -- just with a federal informant.

15:11:34 20 Q And, in fact, you would want to know the identity of  
21 Mr. Foreman and perhaps even call him to the stand if you  
22 were -- if you knew his role in this -- knew what the  
23 prosecutor, Ms. Siegler, knew about Mr. Foreman in this case?

15:11:53 24 A I guess so, but, I mean, it just seems like in order to  
25 represent Prible, you've got to come up with some sort of

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1 plausible theory for the physical evidence.

15:12:03 2 Q Correct.

15:12:04 3 A If not, you're just impeaching really almost extraneous  
4 issues or extraneous people.

15:12:09 5 Q Well, he was at the -- at the scene, and you have that from  
6 other information, correct?

15:12:13 7 A Prible?

15:12:14 8 Q Yeah.

15:12:15 9 A I would assume so. I can't recall the facts.

15:12:17 10 Q I mean, he was at that house?

15:12:18 11 A Yes. He was at that house, yes.

15:12:20 12 Q And he never denied that?

15:12:22 13 A Yes. Well, he never -- he never took the stand. He never  
14 gave a statement, I don't think.

15:12:28 15 Q He gave two statements to the police.

15:12:32 16 A I don't recall that, but I trust you on that. What did he  
17 say about the sex?

15:12:38 18 Q He admitted that he had oral sex.

15:12:41 19 A And that he left?

15:12:43 20 Q Correct.

15:12:44 21 A Right. So the theory is that she kept the semen in his  
22 [sic] mouth, and the real shooters came in, and he doesn't know  
23 anything about who the real shooters were? That just is --

15:12:55 24 Q That's correct.

15:12:56 25 A It's implausible.

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15:12:57 1 Q Okay. That's -- that's your opinion of that situation?

15:13:00 2 A No. I think any person with common sense would say it's  
3 implausible.

15:13:04 4 Q All right.

15:13:04 5 A It could have happened; it didn't happen.

15:13:06 6 Q That, of course, is a question about materiality, and it's  
7 for the judge to decide, correct?

15:13:11 8 A No. I don't think that's an arguable point.

15:13:14 9 Q Okay. So -- but getting back to the premise, which is, you  
10 know, the premise that there is -- the physical evidence is not  
11 conclusive, that you need that snitch, that he's the main  
12 attraction, the main show, you'd want to interview Carl Walker,  
13 correct, as a defense attorney?

15:13:33 14 A The way I'd answer your question, sir, is that Beckcom is  
15 inherently dislikeable --

15:13:41 16 Q Just yes or no.

15:13:42 17 A -- as is.

15:13:43 18 Q Just yes or no. Do you chase around --

15:13:44 19 A To further impeach someone who's in federal prison on a  
20 serious case to make it even worse, I'd say yes.

15:13:50 21 Q Yes, right.

15:13:51 22 A But he looks bad to start with.

15:13:53 23 Q Correct. Correct. So, too, with Nathan Foreman. You'd  
24 want to interview Nathan Foreman?

15:14:02 25 A I guess so.

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15:14:04 1 Q At trial, both you and Ms. Siegler --

15:14:10 2 A Uh-huh.

15:14:10 3 Q -- maintain that a spermatozoa deposit had to be -- would  
4 have had to have been proximate to this woman's death, that the  
5 oral sex had to happen proximate to this -- to death, correct?

15:14:24 6 A Yes.

15:14:24 7 Q Within minutes, correct?

15:14:26 8 A I don't know if we said minutes, but proximate is a good  
9 term.

15:14:29 10 Q Within minutes was the testimony of Ms. Siegler.

15:14:32 11 A She didn't testify. She could only argue.

15:14:34 12 Q Was her argument. Her argument was within minutes, if not  
13 seconds.

15:14:38 14 A I seem to remember -- maybe even I might have asked one of  
15 the forensic people --

15:14:45 16 Q Uh-huh.

15:14:45 17 A -- about how long you would anticipate having sperm or semen  
18 in a woman's mouth after they had performed oral sex with the  
19 male ejaculating in her mouth. I seem to remember asking that  
20 because it was important. I'm not positive.

15:15:03 21 Q Uh-huh. Yes. And I'll make the representation that the  
22 testimony was not that it only lasts for minutes or seconds.

15:15:19 23 A Okay.

15:15:20 24 Q Okay. So who came up with this theory that it could only be  
25 minutes or seconds, or it had to have been?



**Video Deposition of Vic Wisner**

15:15:28 1 **A** I don't know that we had a specific theory. It seemed that  
2 it was common sense, and it seemed like what we argued was  
3 consistent --

15:15:37 4 **Q** Uh-huh.

15:15:37 5 **A** -- with what the experts testified to.

15:15:40 6 **Q** Okay. So you thought --

15:15:41 7 **A** It seemed like it was both a combination of expert testimony  
8 and common sense.

15:15:45 9 **Q** Okay. Expert.

15:15:46 10 You mentioned that one reason that you thought it would  
11 have been implausible for the oral sex between Nilda and --  
12 consensual sex between Nilda and Mr. Prible was his appearance.

15:15:57 13 **A** He did not give off the appearance of somebody who would be  
14 seen as attractive to a female, though, that's just --

15:16:05 15 **Q** So that's a wild -- that's a wild speculation on your part,  
16 isn't it?

15:16:10 17 **A** No. I think pretty much anybody would look at him or be --  
18 or be around him, he came off as very cold, and he's very  
19 unattractive.

15:16:17 20 **Q** Did you have any --

15:16:19 21 **A** He gives -- he kind of gives you the creeps, to be honest  
22 with you.

15:16:22 23 **Q** So that was your basis. You had some sort of feeling that  
24 he was creepy?

15:16:26 25 **A** If he was a handsome, tall, muscular, charismatic person, it

**Video Deposition of Vic Wisner**

1 may lead me to a different conclusion, or it may seem possibly  
2 plausible.

15:16:35 3 **Q** So you were making judgments about whether she was sexually  
4 assaulted based on your opinion of his physical appearance;  
5 isn't that correct?

15:16:46 6 **A** I'd say as one of many factors, yes.

15:16:49 7 **Q** Oh, okay. As one of many factors. And you haven't heard of  
8 some beautiful women falling for rather homely men? That hasn't  
9 happened -- you don't know of that in your experience?

15:16:59 10 **A** Is that a question?

15:17:00 11 **Q** Yeah, that is a question?

15:17:01 12 **A** It happens very rarely, unless they have a lot of money.

15:17:03 13 **Q** And what is the basis for that opinion?

15:17:06 14 **A** Sixty years of life on earth.

15:17:08 15 **Q** Oh, 60 years.

15:17:09 16 Questions about materiality were being based on your  
17 assumption on -- that Mr. Prible was unattractive to Nilda  
18 Herrera?

15:17:22 19 **A** That and the circumstances of her husband being in extremely  
20 close proximity, yes.

15:17:26 21 *(Conclusion of video deposition.)*

15:17:28 22 **THE COURT:** We'll take a 15-minute break.

15:17:30 23 *(Recess taken from 3:17 p.m. to 3:34 p.m.)*

15:34:17 24 **THE COURT:** Keep your seats. That's okay. We stand  
25 up for the jury in this courtroom, but not for the judge.

**Video Deposition of Michael Beckcom**

Okay. Do we have another witness?

**MS. SCARDINO:** Yes, Your Honor. Petitioner calls Michael Beckcom by video.

*(Video deposition of Michael Beckcom played as follows.)*

**EXAMINATION**

**Q** In 1996 -- I want to talk with you about this. This was a murder case, and the procedural history was a bit complicated. You were charged in both state and federal court.

**A** That's correct.

**Q** What was the charge in state court?

**A** Capital murder.

**Q** And it was eventually dropped to a lower murder charge?

**A** Yeah.

**Q** Okay. And why -- why was that?

**A** I cooperated with the feds. They rolled it all into one.

I mean, I don't know how deep you want to get into that. I didn't know that's what this was about, but we'll go as deep as you want to.

**Q** Okay, yeah. I just need to understand a little bit about how those two cases worked together as far as your --

**A** Okay.

**Q** -- ultimate sentence was concerned.

**A** A business partner of mine had a feud with the gentleman, was murdered, so me and another guy were in the warehouse when the murder took place. Thirty days later, I was arrested. One

**Video Deposition of Michael Beckcom**

1 of the other two went and confessed, implicated me and the third  
2 party. The other guy, Crawford, took off on the run. So that  
3 left me, so I was catching the brunt of everything.

15:35:42 4 As time went on, things started lessening on me because of  
5 no physical evidence, and the testimony of that guy was shaky on  
6 the stand. So it started -- the state case started dwindling.

15:36:00 7 At some point, the deceased had spoken to someone in  
8 California with the feds because he was being indicted on  
9 something completely unrelated to me. So at that point, it took  
10 a turn. They considered him a federal witness. So they came in  
11 to kind of save the day for the state case that was falling  
12 apart and kind of squeezed me in. So it was either take a plea  
13 or face life in trial, so I agreed to cooperate, and I took the  
14 plea.

15:36:28 15 Q Okay. And the plea that you took in federal court was what?

15:36:33 16 A The charge itself?

15:36:35 17 Q The -- sorry. The charge --

15:36:37 18 A The time?

15:36:37 19 Q -- and the time.

15:36:39 20 A Oh. It was retaliation against a federal witness by murder,  
21 I think, and aiding and abetting, and it was 11 to 14.

15:36:45 22 Q Okay. Eleven to 14 years. And any probation after that?

15:36:49 23 A Five years supervised --

15:36:51 24 Q Five --

15:36:51 25 A -- release.

**Video Deposition of Michael Beckcom**

15:36:51 1 Q Five years supervised release?

15:36:53 2 A Correct.

15:36:53 3 Q Okay. And at the same time, you also pled guilty to  
4 something in state court, right?

15:36:57 5 A Yeah. I -- I don't remember specifically what the charge  
6 was. I think it -- man, that's a good question. I really don't  
7 remember exactly what it was.

15:37:08 8 Q It was some sort of murder charge?

15:37:09 9 A Yeah.

15:37:09 10 Q So you don't recall filing a 6(b)6 in the California case?

15:37:13 11 A No, I don't.

15:37:14 12 Q Did Siegler help you with anything in regards to this 6(b)6  
13 motion?

15:37:20 14 A I don't -- Siegler didn't really help me on anything.

15:37:25 15 Q What do you mean by that?

15:37:27 16 A Well, when this whole thing got started and I -- I set  
17 myself in motion to testify in state court, she said she was  
18 going to call my prosecutor in California. She said, "This  
19 probably will get you out of prison."

15:37:51 20 Q She said -- she said that to you, This will get you out of  
21 prison?

15:37:54 22 A Yeah. So I think she bullshitted me at that point because  
23 once it was said and done, as I'm getting off the stand, they go  
24 in the back, and she's got this grim look on her face, and I'm  
25 like what now? "Well, they're only going to give you 12

**Video Deposition of Michael Beckcom**

1 months."

15:38:10 2 So at that point I felt like -- I knew she had lied to me  
3 in the beginning that I was going to get walked out, you know,  
4 for my testimony.

15:38:21 5 Q Did she lead you to believe that you would be getting out of  
6 prison?

15:38:25 7 A Yeah.

15:38:27 8 Q Who was your case manager?

15:38:34 9 A It was a black lady. I was at the medium in Beaumont.

15:38:40 10 Q Was his name -- was it a man named Gordon Harpe?

15:38:44 11 A Mr. Harpe? He was the unit manager.

15:38:46 12 Q Okay. What do you remember about Mr. Harpe?

15:38:51 13 A Nice guy. He let me use the phone sometimes.

15:38:53 14 Q Okay. And how does that work? How could you use his phone?

15:38:58 15 A He would give you a call. Once in a while, if you wanted to  
16 call family or something, he would dial it out for you and  
17 let -- let you have a -- a call and talk to your family, if you  
18 want to, you know.

15:39:07 19 Q Okay.

15:39:08 20 A He was a pretty good guy.

15:39:09 21 Q Okay. And he also let you call Siegler from those phones --  
22 from his phone?

15:39:13 23 A I think I did call her from there.

15:39:15 24 Q And when you're testifying as an informant, credibility is  
25 the most important thing, right, because you're a convicted

***Video Deposition of Michael Beckcom***

1 felon, right? Okay. And you need detailed information to give  
2 the prosecutor so you'll seem more credible. Do you agree?

15:39:28 3 **A** Yeah.

15:39:28 4 **Q** Okay. And credibility is particularly tough for you because  
5 you had a prior finding of perjury in your federal case, right?  
6 Do you recall that?

15:39:38 7 **A** No.

15:39:40 8 **Q** You don't recall being called out for perjury in the federal  
9 case in the Brueggen murder?

15:39:47 10 **A** No.

15:39:48 11 **Q** Okay.

15:39:48 12 Does this refresh your memory as to whether you were called  
13 out for perjury in the Brueggen case?

15:39:55 14 **A** No. I mean, I don't -- it's obviously in print. I don't  
15 remember it. I see where it led in from since -- from my arrest  
16 June 3rd of that year.

15:40:04 17 Typical behavior.

15:40:09 18 **Q** What do you mean by that?

15:40:11 19 **A** If somebody gets arrested, they're trying to lessen anything  
20 they can off of them. So...

15:40:16 21 **Q** Okay. And how did you hear about Kelly Siegler's connection  
22 to Prible's case?

15:40:22 23 **A** It had to be Foreman.

15:40:30 24 **Q** Okay. And who was Nathan Foreman?

15:40:32 25 **A** He was an inmate at the Beaumont FCI Medium.

**Video Deposition of Michael Beckcom**

15:40:36 1 Q And he was your cellmate at one point, right?

15:40:38 2 A Correct.

15:40:38 3 Q Okay. So you were originally in USP in Beaumont, and then  
4 around October 2000, you were moved to the medium? Does that  
5 sound right?

15:40:50 6 A Yes.

15:40:51 7 Q Okay. And you don't have any say. You can't request a  
8 cellmate, can you?

15:40:57 9 A Yeah. You can, if you want.

15:40:59 10 Q You can?

15:40:59 11 A I mean, they like to keep the peace in there. So if you and  
12 a buddy, you know -- and you can get it worked out with the  
13 officer on duty, they typically try to put people together who  
14 want to be together, or, you know, friends.

15:41:14 15 Q But you already knew Foreman when you became cellmates with  
16 him?

15:41:17 17 A Yeah. We had become friends, you know.

15:41:19 18 Q Exhibit 4 is your account telephone number list.

15:41:23 19 A Okay.

15:41:25 20 Q Okay. You notice in the fourth space there it lists Kelly  
21 Siegler --

15:41:29 22 A I don't know why.

15:41:30 23 Q -- as an attorney?

15:41:31 24 A I don't know why I put her on my phone list.

15:41:35 25 Q Well, you were in contact with her, right?



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1 5 : 4 1 : 3 7 1 **A** Yeah.

1 5 : 4 1 : 3 7 2 **Q** But you usually didn't need to use the inmate phones because  
3 you could talk with her --

1 5 : 4 1 : 4 2 4 **A** Yeah.

1 5 : 4 1 : 4 2 5 **Q** -- from a unit manager phone?

1 5 : 4 1 : 4 5 6 **A** Yeah. I don't remember -- I don't remember her being on my  
7 list.

1 5 : 4 1 : 4 7 8 **Q** Okay. So tell me about when -- you being called into the  
9 lieutenant's office to speak with Ms. Siegler. What was -- when  
10 did that occur?

1 5 : 4 1 : 5 8 11 **A** You're asking me a time?

1 5 : 4 1 : 5 9 12 **Q** Yeah.

1 5 : 4 2 : 0 0 13 **A** A month --

1 5 : 4 2 : 0 1 14 **Q** I'm asking you is -- was this the first time you ever met  
15 with her face-to-face?

1 5 : 4 2 : 0 5 16 **A** Yeah.

1 5 : 4 2 : 0 6 17 **Q** Okay. But you had spoken with her on the phone many times  
18 leading up to this?

1 5 : 4 2 : 1 0 19 **A** I don't know -- I don't know if it was many times, but I had  
20 spoken with her.

1 5 : 4 2 : 1 5 21 **Q** And you say Foreman gave you her name. Was that after you  
22 had already become cellmates or before?

1 5 : 4 2 : 2 7 23 **A** Good question.

1 5 : 4 2 : 2 7 24 I would say after.

1 5 : 4 2 : 3 5 25 **Q** So Foreman was her original informant in this case, right?

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15:42:39 1 **A** I don't know what the relationship -- I thought he was doing  
2 something else for her.

15:42:43 3 **Q** So you and Foreman never discussed Prible's case together?

15:42:46 4 **A** Well, we -- we talked to Prible together. I mean, this was  
5 like a group of guys from Houston, which after this whole thing  
6 got set in motion, it kind of became evident to me that this  
7 whole group of, like, fricking ten guys were trying to get  
8 information, and somehow I ended up with the information.

15:43:10 9 **Q** So they -- this wasn't a situation of him confessing to the  
10 group and everyone then wanting a piece of the action?

15:43:20 11 **A** No.

15:43:20 12 **Q** They were actually trying to elicit details from him so they  
13 could be part of the action?

15:43:25 14 **A** The details Jeff Prible gave me, he gave completely and  
15 explicitly to me and Nathan Foreman one night. He just rolled  
16 it out.

15:43:40 17 **Q** Okay. Let's look at the following page, the following  
18 picture, Exhibit 8B.

15:43:46 19 **A** Okay. November '01.

15:43:51 20 **Q** November 11th, '01. So this is 13 days before this supposed  
21 confession on the yard, right?

15:43:57 22 **A** Okay.

15:43:58 23 **Q** And who's in this picture? If you can do the bottom row,  
24 first, left to right.

15:44:05 25 **A** I can't.

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15:44:06 1

**Q** Okay.

15:44:06 2

**A** Jeff's in front of me. Nathan's to my left.

15:44:09 3

I don't remember all these guys' names.

15:44:12 4

**Q** Okay. Does the name Oscar Gonzalez ring a bell?

15:44:15 5

**A** I remember the name Oscar.

15:44:17 6

**Q** And his father, Felix Gonzalez, was in prison, also?

15:44:21 7

**A** Is that the long-haired cat?

15:44:25 8

**Q** Down in the bottom left?

15:44:26 9

**A** Yeah.

15:44:27 10

**Q** Yeah.

15:44:27 11

**A** Okay.

15:44:28 12

**Q** Is Oscar Gonzalez?

15:44:29 13

**A** Okay.

15:44:30 14

**Q** Do you remember him?

15:44:31 15

**A** I remember the face. I didn't remember his name. I

16

remember his dad was there, too.

15:44:35 17

**Q** Okay.

15:44:37 18

**A** I don't know -- I don't remember these guys.

15:44:37 19

**Q** Do you recognize the man standing to your left in the photo

20

with the mustache?

15:44:43 21

**A** No. I don't remember his name.

15:44:47 22

**Q** Does Cat Dominguez sound familiar?

15:44:49 23

**A** Cat. I remember the name Cat.

15:44:51 24

**Q** Rafael Dominguez?

15:44:53 25

**A** That's Cat.

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15:44:54 1 Q Okay. And you're all surrounding Jeff in this picture. Do  
2 you see that?

15:45:00 3 A Well, we're in two rows. If you want to call it  
4 "surrounding," okay.

15:45:04 5 Q Okay. What was the purpose of this photograph?

15:45:07 6 A Again, these are all Houston guys wanting to take a group  
7 photo.

15:45:12 8 Q They were also all Houston guys that were trying to set up  
9 Mr. Prible, right?

15:45:15 10 A Well, I didn't know that at the time, but I kind of surmised  
11 that later on. That was a feeling I got.

15:45:25 12 Q That's a picture of Prible and Nathan Foreman, right?

15:45:28 13 A Correct.

15:45:29 14 Q That's November 9th, 2001?

15:45:34 15 A That's correct.

15:45:35 16 Q And so during this time, Nathan was trying to get a  
17 confession from Mr. Prible also, right, during this time period?

15:45:44 18 A Yeah, I guess so. I would assume he was.

15:45:47 19 Q Well, y'all were cellmates, right? Weren't you talking  
20 about it together?

15:45:50 21 A Yeah. I'm sure we talked about it plenty.

15:45:52 22 Q So about how many prisoners did the medium house in total?

15:45:56 23 A Wow. A bunch.

15:45:58 24 Q More than a thousand?

15:45:59 25 A Yeah. I think so.

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15:46:00 1 Q But -- but your placement with Foreman, as far as you  
2 understood, was random?

15:46:06 3 A What do you mean by "random"?

15:46:08 4 Q Like you were randomly placed in a cell with Foreman?

15:46:11 5 A No. I -- I think he asked me if he could move in.

15:46:14 6 Q Okay.

15:46:14 7 A Yeah. So -- so I said sure.

15:46:16 8 Q And so then you-all -- you would just need go to the unit  
9 manager and ask them about it?

15:46:21 10 A Yeah. I don't even know if we needed to go to Harpe or not.  
11 I don't remember if you had to go that far. Sometimes the  
12 officer on duty would do it, or he may check with the unit  
13 manager and see if there was an objection or something.

15:46:31 14 Q Okay.

15:46:32 15 A I don't remember the exact procedure, but typically.

15:46:34 16 Q Easy to do?

15:46:35 17 A Yeah. I mean, guys move all the time.

15:46:37 18 Q Okay. You testified at trial you knew Prible was coming to  
19 meet him before he got there, right?

15:46:43 20 A Coming to meet who?

15:46:44 21 Q Coming to the medium. Sorry. Before he actually --

15:46:48 22 A That Prible was?

15:46:49 23 Q -- got to the medium? You had heard about his case and that  
24 he was coming, right?

15:46:55 25 A Yeah. I don't remember the specifics of that.

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15:46:58 1 Q Yeah.

15:46:58 2 How would you have known that he was coming before he got  
3 there?

15:47:01 4 A I don't know.

15:47:04 5 Q Is that an unusual thing for you to have known? Aren't  
6 those things kept under wraps usually?

15:47:09 7 A Not necessarily, no. If they're coming from another prison  
8 or -- there's a little communication that goes on in the system.  
9 There's a lot of inmates, but it can be a small system.

15:47:23 10 Q So how would you be able to find that information out?

15:47:26 11 A I don't know how I would have known he was coming. I don't  
12 remember that.

15:47:30 13 Q So --

15:47:31 14 A I don't remember that incident.

15:47:32 15 Q Okay. Someone would have had to tell you that he was  
16 coming, right?

15:47:35 17 A Yeah. I would assume so. I don't know.

15:47:41 18 Q And before you spoke with him that first time, did you know  
19 that he had been charged with these murders?

15:47:47 20 A Somebody probably told me, I'm sure.

15:47:50 21 Q And so then you went up to him and -- and met him knowing  
22 what he was being charged with?

15:47:57 23 A I'm assuming. I don't remember the -- the sequence of  
24 events.

15:48:03 25 Q It wasn't as if you befriended him, and then it came out

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1 later that he was charged with this? This was an intentional on  
2 your part, introducing yourself to him and trying to elicit  
3 information from him, right?

15:48:18 4 **A** I'm sure it probably played out that way. I don't remember  
5 the sequence of events, though.

15:48:23 6 **Q** At FCI Beaumont, were you all able to watch television?

15:48:26 7 **A** Yeah.

15:48:26 8 **Q** Okay. Were you able to watch the nightly news?

15:48:29 9 **A** Yes.

15:48:29 10 **Q** Okay. So the *Houston Chronicle* was probably a pretty common  
11 newspaper there?

15:48:35 12 **A** Yeah.

15:48:35 13 **Q** Did you read any articles about Prible's case while you were  
14 in the prison?

15:48:41 15 **A** I could have. I may have. I don't remember that, but it's  
16 possible.

15:48:48 17 **Q** Okay. And there are certain crimes that prisoners find  
18 particularly reprehensible, right?

15:49:01 19 **A** Yeah.

15:49:01 20 **Q** Yeah. And those would be rape, right?

15:49:05 21 **A** And children.

15:49:06 22 **Q** Children. Both of which came into play in -- in  
23 Mr. Prible's case, correct?

15:49:12 24 **A** Unfortunately.

15:49:13 25 **Q** Yes.

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15:49:13 1 And if you're charged with these things, you're not going  
2 to be going around prison and telling everyone from the rooftops  
3 that you did it, would you? You'd be an idiot, right?

15:49:25 4 **A** Yeah. What was he there for? He was there on a bank deal,  
5 wasn't he?

15:49:30 6 **Q** Jeff there was on a bank robbery. Right.

15:49:31 7 **A** Yeah. I remember now.

15:49:32 8 **Q** Now, if you're innocent and you're charged with these  
9 things, you might be telling everyone on the yard you're  
10 innocent of it?

15:49:38 11 **A** Yeah.

15:49:39 12 **Q** Yeah.

15:49:40 13 **A** Or you might be telling everybody that to survive.

15:49:43 14 **Q** But you'd be an idiot to tell people that you were guilty  
15 because it --

15:49:47 16 **A** To blurt it out --

15:49:48 17 **Q** -- could put you at risk?

15:49:50 18 **A** -- to everyone, yeah.

15:49:51 19 **Q** Yeah. Yeah.

15:49:51 20 Mr. Beckcom, on August 8th, 2001, Siegler and her  
21 investigator, Johnny Bonds, met with Foreman in person to talk  
22 about Prible's case. Did you know about this meeting? Did  
23 Foreman ever tell you about it?

15:50:04 24 **A** I remember the name Johnny Bonds. He might have been there  
25 when I met her.



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15:50:10 1

**Q** But she came with someone to meet with you?

15:50:12 2

**A** She came with someone, yeah. It had to have been him. I

3

remember that name. In what context, I'm at a loss for. It had

4

to be when I met them in the lieutenant's office.

15:50:27 5

**Q** Okay. Did Foreman tell you that he had met with Siegler

6

face-to-face?

15:50:34 7

**A** I don't recall having that conversation with him. I may

8

have, but I don't recall having the conversation with him.

15:50:40 9

**Q** Because you're cellmates. The two of you are cellmates.

10

You're both working on the same case --

15:50:44 11

**A** I understand.

15:50:45 12

**Q** -- all right? So presumably, you would have been discussing

13

the case amongst each other, right?

15:50:49 14

**A** And you're right. Presumably, we would.

15:50:51 15

**Q** Okay. Do you recall the first phone call you ever had with

16

Ms. Siegler, how it came about? You got her number from

17

Foreman, right?

15:50:58 18

**A** Yeah.

15:50:59 19

**Q** And you called her, and what did you tell her?

15:51:05 20

**A** The context of the conversation, I must have told her I had

21

information about Prible.

15:51:12 22

**Q** And you mentioned that several times, "the wheels got set in

23

motion." And what do you mean by that?

15:51:18 24

**A** I had information for her. She came. We talked. Then I

25

guess, from that point on, it was to see if I, you know, had

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1 anymore information, I would give it to her.

15:51:30 2 Q This is a fax dated November 26th, 2001, from Johnny Bonds  
3 to Lieutenant Robert Clarke at FCI Medium. It's a visitation  
4 request letter. He says, "We are supposed to be at your unit  
5 around 11:00 a.m. on 12/10/01 to see Inmate Foreman. We also  
6 need to see Inmate Beckcom after we talk to Foreman."

15:51:54 7 Go ahead and take a minute to read it to yourself.

15:51:56 8 Okay?

15:51:57 9 A Okay.

15:51:59 10 Q So this letter's dated November 26th, 2001. That's two days  
11 after the photograph was taken with your mothers in this --  
12 which was November 24th, 2001, and that was the date that you  
13 said at trial that the confession came out. Do you recall that?

15:52:16 14 You with me?

15:52:19 15 A I'm here. I'm with you.

15:52:20 16 Q Okay. So she respected this -- she requested this visit on  
17 November 26th. Had you contacted her after that November 24th  
18 conversation with Prible and Foreman --

15:52:37 19 A I --

15:52:37 20 Q -- and told her that you needed to see her?

15:52:39 21 A I must have. I don't know.

15:52:43 22 Q Okay.

15:52:43 23 A Did I? It should be in here.

15:52:45 24 Q I'm asking you if you recall.

15:52:47 25 A Well, I don't remember.

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15:52:48 1 Q Okay.

15:52:49 2 A So this would be evidence if -- of it.

15:52:53 3 Q Well, if -- but if you had called her on the --

15:52:56 4 A If I called from --

15:52:57 5 Q -- the unit manager's phone, then it would not be.

15:52:58 6 A -- the unit manager's. So that -- that is a possibility.

15:53:02 7 Q Okay. And you and Foreman are still cellmates at this time,  
8 right?

15:53:05 9 A Yeah. We're cellies till from the time I guess we both left  
10 the yard.

15:53:10 11 Q Okay. So you had requested this visit with Siegler. And  
12 did you know that he was meeting with her on the same day,  
13 Foreman?

15:53:19 14 A I may have.

15:53:20 15 Q It seems probable, right?

15:53:22 16 A Probable, yeah.

15:53:23 17 Q You lived together?

15:53:24 18 A Yeah. Yeah.

15:53:24 19 Q You'd be talking about this.

15:53:26 20 Okay. So you knew he was going in before you, and then you  
21 were going to follow him in. Do you recall, like, when you  
22 walked into the lieutenant's office, was he walking out?

15:53:35 23 A No. And then again, this was Foreman. I may or may not

24 have known about this because we're on the yard, and without

25 ever saying anything to me about it, he suddenly went one day to

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1 the lieutenant's office and checked in and went to the SHU. So  
2 I didn't even know what prompted that.

1 5 : 5 3 : 5 4 3 So that's what I mean by he would tell you what he wanted  
4 to tell you, and he kept other things close to the vest. So he  
5 had something else going on that he felt he needed to get off  
6 the yard for. So, you know, everything's shaded in these  
7 places.

1 5 : 5 4 : 1 2 8 **Q** So even though y'all were roommates, cellmates, you didn't  
9 know that y'all were going to have these back-to-back meetings  
10 that day with this prosecutor about the same case?

1 5 : 5 4 : 2 0 11 **A** I'm not saying I didn't know, but I don't remember  
12 specifically that event of knowing. I mean, one day my  
13 cellie -- people are asking me, "Why did Bo check in?" I'm  
14 like, "What?" He didn't tell me anything about a need to get  
15 off the yard.

1 5 : 5 4 : 3 6 16 **Q** But this was a case that y'all were working on together,  
17 right? You were talking -- it's the same case, same prosecutor.  
18 Y'all were discussing --

1 5 : 5 4 : 4 2 19 **A** Yes.

1 5 : 5 4 : 4 2 20 **Q** -- it among yourselves?

1 5 : 5 4 : 4 3 21 **A** Yeah. Obviously, I'm sure we were.

1 5 : 5 4 : 4 6 22 **Q** Do you remember this statement that you had written? This  
23 is your handwriting, right?

1 5 : 5 4 : 5 0 24 **A** Yeah.

1 5 : 5 4 : 5 1 25 **Q** Okay. And when you gave this to Siegler, did you have a

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1 copy of it that you kept for yourself as well? Like did you  
2 make notes or a copy of this statement that you were giving so  
3 she had one and you had one?

15:55:06 4 **A** I don't think so. I think I just gave it to her.

15:55:08 5 **Q** Well, the trial took place almost a year after you wrote --  
6 you gave this statement to Bonds?

15:55:14 7 **A** Maybe I had it.

15:55:15 8 **Q** Ten months.

15:55:16 9 Did you ever ask her for any sort of assurance, before you  
10 went up and testified and put yourself at risk, that it would be  
11 worthwhile?

15:55:25 12 **A** I'm sure I probably did, but I don't remember how that  
13 conversation would have ended because I never got anything.

15:55:36 14 **Q** Well, you ended -- you got a year off.

15:55:40 15 **A** Yeah.

15:55:40 16 **Q** Is that right?

15:55:41 17 Okay.

15:55:41 18 **A** Yeah.

15:55:42 19 **Q** But you thought you would be walking out the door after?

15:55:44 20 **A** For a house full of bodies? Yeah. Children? Sure.

15:55:53 21 **Q** I'm going to show you Exhibit 22.

15:55:57 22 **A** There's Tony. So Tony must have told me something to make  
23 contact with her.

15:56:03 24 I wonder how -- okay.

15:56:05 25 **Q** Okay?

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1 A Uh-huh.

2 Q Okay. This letter's not dated, but it's obviously before  
3 Prible's trial, right?

4 A Yeah. I was still in the yard, and that's that --

5 Q Right.

6 A -- law library typewriter.

7 Q This is the law library typewriter --

8 A Yeah.

9 Q -- we were talking about earlier?

10 A Can't you tell it's crooked on the page?

11 Q Okay.

12 A Old-school font.

13 Q And then you say, "Also, can you give me any reassurance  
14 that the feds are going to do the right thing on this case?"  
15 And what are you referring to there?

16 A The Prible case.

17 Q The Prible case. So you're wanting reassurance from her  
18 that the feds were actually going to give you a time cut for the  
19 Prible case?

20 A Yeah.

21 Q Okay. And did she give you any reassurance on that end?

22 A I never got anything in writing. I mean --

23 Q Not in writing, but just in --

24 A I think the best -- as I shared earlier, I think the best  
25 she did was -- they're going to play ball might have been her

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1 words. I've talked to them, and they're in, something to that  
2 effect.

15:57:02 3 Q In this letter -- this is a letter from Ted Wilson  
4 requesting permission for Siegler and Bonds to interview you and  
5 Antone Davi on May 6th, 2002, correct?

15:57:16 6 A Correct.

15:57:16 7 Q Okay. So you think that this typewritten undated letter  
8 from you, which mentions Davi --

15:57:23 9 A Obviously, it would be prior to this, yeah.

15:57:25 10 Q This would have been in response to that?

15:57:27 11 A Yeah.

15:57:28 12 Q Exhibit 34 would have been in response. Okay.

15:57:30 13 And you recall her coming to meet you, but you don't  
14 remember what eventually happened with that case?

15:57:35 15 A With Tony, no. I don't remember what he and I even talked  
16 about. My head was swimming with information back then.

15:57:43 17 Q About other people's cases?

15:57:48 18 A I guess, once I had all this from Prible, it's like suddenly  
19 people came out of the woodwork for trying to get out. People I  
20 didn't -- I'm like, How the fuck do you know what -- that I  
21 talked to somebody?

15:58:05 22 Q I'm going to show you Exhibit 18, which has three separate  
23 letters to Siegler from the father/son duo of Jesse and Felix  
24 Gonzalez. One is from Mark Martinez. Do you recall that name?

15:58:26 25 A Felix? Or Mark Martinez?

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15:58:28 1 Q Mark Martinez, yeah. Do you recall him?

15:58:32 2 A I mean, Martinez is pretty common.

15:58:35 3 Q Okay. Carl Walker?

15:58:37 4 A That's a black guy.

15:58:38 5 Q Yeah. Do you remember Carl Walker?

15:58:40 6 A I remember Carl.

15:58:41 7 Q He used to come in your -- and hang out with you and Foreman  
8 and yourself sometimes? Do you remember that?

15:58:51 9 A I know he visited some.

15:58:55 10 Was he in our unit? I can't remember if he lived in our  
11 unit or not.

15:59:12 12 Jesse and Felix.

15:59:15 13 Q Have you seen these letters before?

15:59:16 14 A I don't remember seeing these. I don't know. It's  
15 possible.

15:59:26 16 Q Now, again, these look like they were typed on that  
17 typewriter at the library, right?

15:59:30 18 A Yeah. That's all we had access to.

15:59:34 19 Q And all the indentations are the same, right? The  
20 formatting is the same on all three letters, right?

15:59:44 21 A Yes.

15:59:45 22 Q Okay. And it's also the same formatting as in Exhibit 22,  
23 your letter that you wrote to Siegler, right?

15:59:56 24 A Correct.

15:59:56 25 Q They look like they were typed by the same person, don't



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1 they?

16:00:01 2 **A** I don't know.

16:00:01 3 **Q** You don't know?

16:00:09 4 **A** The same type of typewriter. It's all we had, five or ten  
5 of them.

16:00:13 6 **Q** And the same formatting as we just discussed, and Prible is  
7 misspelled in each of them, P-R-I-B-B-L-E. Do you see that?

16:00:20 8 **A** Uh-huh. Oh, that's not his spelling?

16:00:25 9 **Q** Huh?

16:00:27 10 **A** How do you spell his name, P-R-I-B-L-E?

16:00:30 11 **Q** Did you think you spelled it P-R-I-B-B-L-E?

16:00:33 12 **A** I really don't know.

16:00:35 13 **Q** Okay. Did you type up these letters for these men?

16:00:39 14 **A** I don't know.

16:00:42 15 **Q** Do you have any idea why she didn't use anyone else, any of  
16 these other inmates that were --

16:00:47 17 **A** No.

16:00:47 18 **Q** -- vying to testify against Mr. Prible?

16:00:50 19 **A** No.

16:00:51 20 **Q** Okay. But you knew that they were all working this case,  
21 right?

16:00:59 22 **A** I think Bo kind of said something to that effect at some  
23 point.

16:01:04 24 **Q** Okay. Before the trial. Before his trial, right?

16:01:08 25 **A** Yeah.

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16:01:09 1 Q So I'm going to show you Exhibit 30. See if you remember  
2 Exhibit 30. This is an October 30th, 2002, handwritten letter  
3 from you to Ms. Siegler. If you could just read it to yourself.

16:01:29 4 A Okay.

16:01:30 5 Q In the first paragraph, it says, "I trusted you completely,  
6 and you did exactly what you said you would." What had she said  
7 she would do?

16:01:42 8 A Good question.

16:01:46 9 I don't remember the letter I'm referring to.

16:01:48 10 What was this letter for?

16:02:02 11 Q Did you later determine after -- sometime after you wrote  
12 this letter, that she actually hadn't done what you thought she  
13 was going to do?

16:02:09 14 A Obviously.

16:02:09 15 Q Okay.

16:02:11 16 You were contacted about a dep- -- about this deposition  
17 before. It was scheduled for a date earlier than today,  
18 correct?

16:02:19 19 A Yes.

16:02:19 20 Q All right. And you didn't know show at that deposition; is  
21 that correct?

16:02:24 22 A Yeah. I apologize for that. I don't know what happened.  
23 Personal issues.

16:02:28 24 Q All right. But you did meet with our investigator,  
25 JJ Gradoni; isn't that correct?

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**A** Uh-huh. That's correct.

**Q** That's correct.

And, in fact, you gave an affidavit to JJ Gradoni, a handwritten affidavit?

**A** Yes.

**Q** Yes.

Does that refresh your memory about the nature of your conversations with Mr. Prible at the beginning?

**A** Yes. It refreshes somewhat.

**Q** Okay. So they were not particularly about the crime, but about other matters? Is that fair to say?

**A** Yeah. I tend to gravitate towards commonalities, I guess.

**Q** Uh-huh.

All right. And -- and so during your first -- the first series of conversations, you didn't have much, at all, to tell Mr. -- Ms. Siegler about the -- the crime, did you?

**A** That's correct.

**Q** Is it a fair appraisal of your testimony to say that the first telephone call was not to provide Ms. Siegler with information about the case?

**A** According to that, yes.

**Q** And is -- do you believe that your testimony back then was correct?

**A** Absolutely.

**Q** All right. The purpose of that telephone -- that telephone

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1 conversation, is it fair to say, was to arrange a deal with this  
2 prosecutor for your testimony?

16:03:52 3 **A** Or to let her know I had information.

16:03:55 4 **Q** But did you have -- but you didn't impart any information  
5 during this conversation --

16:04:00 6 **A** No.

16:04:00 7 **Q** -- did you?

16:04:01 8 **A** No, I didn't.

16:04:02 9 **Q** And as the other -- and later, though, you began to develop  
10 information -- develop information through that prosecutor,  
11 correct?

16:04:10 12 **A** As Prible told me information, I relayed it to the  
13 prosecutor.

16:04:14 14 **Q** Sure. And on the -- when you had the conversation on -- in  
15 October, you did discuss -- she made clear to you what she  
16 needed in order for her to get you a Rule 35?

16:04:32 17 **A** I don't know --

16:04:32 18 **Q** Is that correct?

16:04:33 19 **A** I don't know that she outlined details of what she needed  
20 specifically. I mean, she needed, obviously, information that  
21 is credible, and I just relayed exactly what he told me.

16:04:50 22 **Q** All right. But you had no other reason to develop evidence  
23 against Mr. Prible other than the fact that you may be -- might  
24 be given a Rule 35?

16:05:00 25 **A** Correct.

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Q Okay. That was the motivation and the sole motivation?

A Correct.

Q For providing testimony for Kelly Siegler?

A Correct.

Q Uh-huh.

And you knew about -- you've been in the federal system for some time, and you're aware of Rule 35, correct?

A Yeah. I mean, not in detail, but sure.

Q But that, basically, is about the only mechanism by which you can get your sentence reduced in the federal system, correct?

A Pretty much.

Q Yes.

So is it fair to say that that was an issue that was at least discussed or opened up on the October conversation with Kelly Siegler?

A I don't -- I don't remember talking about Rule 35. I can't say it wasn't.

Q Would it there be any reason that you would not discuss a Rule 35?

A Specifically, I don't know.

Q Uh-huh.

Let me see if I have this.

Again, I'll show you rule -- page 37 because you said you stopped at page 36.

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16:05:59 1 **A** Okay.

16:05:59 2 **Q** And so page 37 is referring back, if I may -- if -- am I not  
3 right, to that initial phone call, your initial phone call?

16:06:08 4 **A** Correct.

16:06:09 5 **Q** Correct. And page 37 of the record makes clear that the  
6 purpose of that phone call was to discuss the possibility of you  
7 arranging for a reduction in your sentence?

16:06:21 8 **A** Correct.

16:06:21 9 **Q** Okay. And that means by Rule 35 -- a Rule 35 reduction. Is  
10 that fair to say?

16:06:28 11 **A** It's fair to say.

16:06:29 12 **Q** So this increases the likelihood, to say the least, that a  
13 Rule 35 reduction, what that meant, how she could help you, was  
14 discussed in that conversation?

16:06:41 15 **A** Okay.

16:06:41 16 **Q** Is that correct?

16:06:42 17 **A** I agree.

16:06:43 18 **Q** You agree?

16:06:54 19 And Ms. Siegler made clear during that conversation,  
20 according to the record, that you were supposed to get specifics  
21 about the case?

16:07:04 22 **A** That's what the transcript says, yes, sir.

16:07:06 23 **Q** You approached Mr. -- you approached Mr. Prible for  
24 information as well, correct, both you and Foreman?

16:07:13 25 **A** Yes.

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16:07:14 1 Q Okay. I'm going to show you a copy of the statement that  
2 you gave.

16:07:18 3 And did you read this before you signed it?

16:07:19 4 A Yes, I did.

16:07:20 5 Q Okay. And is it an accurate -- and you realize it's a  
6 statement under oath under penalty of perjury, correct?

16:07:29 7 A Yeah.

16:07:30 8 Q Okay. And it's signed by --

16:07:32 9 A Me.

16:07:32 10 Q -- you? That is your signature on page 2?

16:07:36 11 A Uh-huh.

16:07:37 12 Q And dated 4/19/2017.

16:07:41 13 And it states that you started taking notes about what  
14 Mr. Prible was telling you about his case, in effect, "To have  
15 the information that Kelly Siegler asked me to get," correct?  
16 That's the first sentence.

16:08:03 17 A Okay.

16:08:03 18 Q And that's -- and, again, this is an accurate statement,  
19 correct?

16:08:11 20 A Yes.

16:08:12 21 Q Okay. And you also repeat that Nathan Foreman was present  
22 when Prible talked about his case, correct?

16:08:27 23 A Correct.

16:08:27 24 Q Okay. And that mirrors your testimony at trial? In fact,  
25 at trial you said, too, that Nathan Foreman was present on every

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1 occasion. So --

16:08:41 2 **MS. SCARDINO:** Excuse me, Mr. Beckcom. If you  
3 could --

16:08:42 4 **THE WITNESS:** Yes.

16:08:42 5 **MS. SCARDINO:** -- say yes --

16:08:43 6 **THE WITNESS:** Yes.

16:08:43 7 **MS. SCARDINO:** -- or no for the record.

16:08:45 8 **THE WITNESS:** Yes. I gotcha. My apologies.

16:08:45 9 **MS. SCARDINO:** What was your answer?

16:08:46 10 **THE WITNESS:** Yes.

16:08:50 11 **BY MR. RYTTING:**

16:08:51 12 **Q** I'm going to ask you to take a look at Exhibit No. 10, if  
13 will you.

16:08:55 14 And this was written down proximate to the date of the --  
15 the date that's on this document, 12/10/01?

16:09:02 16 **A** Yeah. I don't know if it was right before that date, but it  
17 was an accumulation of conversations.

16:09:11 18 **Q** Okay.

16:09:11 19 **A** Obviously, this was one -- this pertains to one specific  
20 evening.

16:09:14 21 **Q** So this would have been close to the -- the time of -- of  
22 the event? You're actually keeping sort of a diary of what was  
23 going on with Mr. -- what you were hearing from Mr. Prible? Is  
24 that fair to say?

16:09:27 25 **A** I don't know if I kept what you would call a diary. I just,



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1 obviously, wrote things down, but then I put it all together.

16:09:37 2 Q Okay. And so this would be the most -- if anything, the  
3 most accurate account, since it's proximate in time to the -- to  
4 the event that you're talking about, which is the alleged  
5 confession that Mr. Prible made; is that correct?

16:09:55 6 A That's correct.

16:09:55 7 Q All right. But at trial -- and it says right here that  
8 you -- he -- that you -- that you walked out to the football  
9 field and sat down.

16:10:12 10 A Okay.

16:10:13 11 Q And the purpose was to get away from everyone?

16:10:16 12 A Yeah. There was probably no one on the field at that point.

16:10:19 13 Q And you actually sat down on the ground?

16:10:23 14 A Okay. Yes.

16:10:24 15 Q Meaning just cross-legged in a circle just talking to each  
16 other?

16:10:29 17 A Just sat in the grass.

16:10:30 18 Q Just sat in the grass. Okay.

16:10:32 19 In the middle of the field? Do you recall where you were  
20 exactly?

16:10:35 21 A No, not specifically.

16:10:36 22 Q But at trial it was not what you testified to, or do you  
23 remember -- or did you testify to that at trial?

16:10:43 24 A I don't remember, sir.

16:10:44 25 Q No? Okay. But this is -- would be a piece of information

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1 that seems to be, you know, where this confession took place and  
2 the setting, and it should stick in someone's mind; isn't that  
3 correct?

16:10:57 4 **A** Where I was specifically sitting --

16:10:58 5 **Q** Yes.

16:10:58 6 **A** -- on the rec yard?

16:11:00 7 **Q** Yes.

16:11:00 8 **A** If you say so.

16:11:01 9 **Q** I'm not saying so. I'm asking you.

16:11:04 10 **A** I don't know that that's of grave importance exactly where  
11 my butt was when somebody confessed to killing a family. No, I  
12 don't.

16:11:11 13 **Q** Ms. Scardino also showed you a photograph that was taken of  
14 and you Mr. Prible --

16:11:17 15 **A** Yes.

16:11:17 16 **Q** -- your mother, Mr. Prible's mother and Mr. Foreman's  
17 parents, and you stated that that was just a -- do you recall  
18 what you testified to here about why that -- that photograph was  
19 taken?

16:11:41 20 **A** No. I specifically don't remember why it was taken.

16:11:45 21 **Q** You don't remember?

16:11:46 22 **A** No.

16:11:47 23 **Q** Okay. I'd like to show you a -- another couple pages of the  
24 record, starting with pages 82 and 83.

16:12:00 25 **A** Okay.

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16:12:01 1 Q And you notice that in your trial testimony, you referred to  
2 this photograph as corroborating evidence?

16:12:09 3 A Yeah, I did. I see that.

16:12:11 4 Q And it was to be used to corroborate the -- the alleged  
5 confession, the confession that you claim to have gotten from  
6 Mr. Prible, correct?

16:12:21 7 A I don't know that I made that intention.

16:12:24 8 Q Uh-huh.

16:12:25 9 A It was awkward.

16:12:27 10 Q Yeah.

16:12:27 11 So I mean, again, I'll show you page 83, and if you read  
12 down starting at line 19 --

16:12:32 13 A Yes. So if it was going to be. I don't know that it  
14 wasn't -- anyone went with specific intentions. I don't know  
15 that I did or not. I don't remember.

16:12:42 16 Q Do you know -- does this -- does your testimony indicate --

16:12:45 17 A My testimony indicates --

16:12:46 18 Q -- that the purpose of the -- of taking that photo was to  
19 have evidence for the criminal case against -- a criminal case  
20 against Mr. Prible? Is that fair to say?

16:12:55 21 A That's fair to say.

16:12:56 22 Q Okay. And you know that visiting hours at the -- what are  
23 the visiting hours at BOP, if you know?

16:13:06 24 A On weekends, maybe some evenings later in the week, but I  
25 don't remember specific hours.

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16:13:15 1 Q Was it usually before 5:00 o'clock; is that correct?

16:13:18 2 A We have a 4:00 p.m. count. So it's before that.

16:13:20 3 Q Before that?

16:13:21 4 A Yeah.

16:13:21 5 Q Okay.

16:13:22 6 A Some mornings till early afternoon.

16:13:24 7 Q Correct.

16:13:26 8 And so that photograph was taken before?

16:13:31 9 A Before what?

16:13:32 10 Q Before Mr. Prible talked to you and Foreman on the yard;  
11 isn't that correct?

16:13:36 12 A On -- yeah. On any particular day, correct.

16:13:40 13 Q It was taken, though, the same day as you claim that he  
14 confessed?

16:13:43 15 A Oh, yes.

16:13:44 16 Q Okay.

16:13:45 17 A So it would be before.

16:13:46 18 Q Beforehand?

16:13:46 19 A It would be beforehand, correct.

16:13:48 20 Q Right. Right.

16:13:48 21 So -- and it was on the 24th that you claim that everything  
22 came out?

16:13:54 23 A Yes.

16:13:55 24 Q Okay. And so you took evidence -- you took the photograph  
25 with the intention of corroborating a confession that you didn't

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1 have yet?

16:14:04 2 **A** I didn't know he was going to say what he said.

16:14:09 3 **Q** But you were anticipating that he was going to confess?

16:14:13 4 **A** Never knew.

16:14:16 5 **Q** But you claim that this is corroborating evidence.

16:14:19 6 **A** I agreed with the question, yes.

16:14:20 7 **Q** Uh-huh. And you had nothing to corroborate yet?

16:14:24 8 **A** No.

16:14:25 9 **Q** And you didn't object to Mr. Foreman being your roommate,  
10 correct?

16:14:30 11 **A** No.

16:14:30 12 **Q** Even though he was black; you were white?

16:14:33 13 **A** Yeah.

16:14:33 14 **Q** And that you at least had some association with a gang  
15 called the Dirty White Boys, correct?

16:14:41 16 **A** Well, I had a band in there, and my base player was a member  
17 of them.

16:14:49 18 **Q** Correct. Right. So --

16:14:52 19 **A** If that's considered an association, sure.

16:14:55 20 **Q** Uh-huh. Sure. All right. And that was an actual -- a --

21 the name reflects what? What does that name mean? What type of  
22 group was this?

16:15:03 23 **A** White guys.

16:15:04 24 **Q** Yes.

16:15:04 25 White guys only?

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**A** Yeah.

**Q** And they -- so it was organized on racial lines, correct?

**A** Sure.

**Q** So -- but nonetheless, given your association with this group, even though it was through the base player, you agreed to have Nathan Foreman as your roommate?

**A** I'm not a member of their group.

**Q** Uh-huh.

And you mentioned in your testimony -- I haven't shown it to you, but I'll make the representation that you knew that Foreman was -- had been involved providing informants to Ms. Siegler in other cases?

**A** In what context? I don't remember speaking with him about it. I don't remember details, but I kind of got the indication, as we talked about previously, that that group were all trying to do something.

**Q** Uh-huh. And, in fact, there -- and, in fact, you knew that they were attempting to testify against Mr. Prible?

**A** Or others.

**Q** So it indicates that you did know that these people were involved trying to testify against Mr. Prible?

**A** That's what it indicates.

**Q** And they were all in the photograph with you on -- dated, I believe, October 11th, the group photograph.

Yeah. The group photograph dated 11/11.

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16:16:49 1 **A** Yes, sir.

16:16:50 2 **Q** Every single one of these individuals mentioned in these --  
3 in this BOP document?

16:16:54 4 **A** That's correct.

16:16:55 5 **Q** Okay. They are all there surrounding Mr. Prible with you?

16:16:59 6 **A** Yes, sir.

16:16:59 7 **Q** And -- so it can't just be a coincidence, can it, that one,  
8 two, three, four, five, six -- seven people, who were angling to  
9 testify against Mr. Prible, all took a picture together?

16:17:22 10 **A** No.

16:17:22 11 **Q** Okay. And the purpose of this -- this picture could be used  
12 just like the photograph of you and the Prible family?

16:17:34 13 **A** It could.

16:17:35 14 **Q** Did you send this photograph to Ms. Siegler?

16:17:41 15 **A** I don't recall sending her that photograph.

16:17:43 16 **Q** Do you not --

16:17:44 17 **A** I don't know if I did or not.

16:17:45 18 **Q** But you -- okay.

16:18:04 19 Is it safe to say it was either you or someone --

16:18:07 20 **A** Obviously in the group.

16:18:07 21 **Q** -- in the -- in the group?

16:18:10 22 **A** Other than Mr. Prible.

16:18:17 23 **Q** And in order for you to be able to make a statement, like  
24 none of these inmates had enough credible information to  
25 testify, you had to know something about what those inmates

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1 intended to tell Mrs. Siegler and the jury, correct?

16:18:33 2 **A** That would presume that, yes.

16:18:34 3 **Q** But you realize that George -- that Nathan Foreman, your  
4 roommate, was listed as a witness in the Herrero case?

16:18:41 5 **A** In the Herrero case? I don't know if I learned that or, if  
6 I did, I don't remember when.

16:18:48 7 **Q** Okay. He's your roommate. You and Foreman are interested  
8 in getting benefits for testifying against Mr. Prible, correct?

16:18:58 9 **A** Okay.

16:18:58 10 **Q** Okay. He gives you the phone number of this prosecutor,  
11 correct?

16:19:04 12 **A** Okay.

16:19:05 13 **Q** He gave you the phone number to call. He's there every step  
14 of the way when you're testifying -- when you're getting  
15 information from Mr. Prible, correct?

16:19:14 16 **A** I believe so.

16:19:15 17 **Q** Yes. As was your testimony at trial.

16:19:22 18 **A** Okay.

16:19:22 19 **Q** And he didn't explain to you that he was also -- that --  
20 when he -- and he -- when he gave you that number for Siegler,  
21 did he not explain to you that the reason you should call this  
22 woman is that she is willing to go -- to use her influence to  
23 seek Rule 35 reductions for inmates, that she's the one you go  
24 to?

16:19:49 25 **A** I don't know that he explained in such detail as you're



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1 describing right now, no. I don't recall that conversation.

16:19:54 2 Obviously, he said enough for me to pick up the phone and  
3 make a phone call.

16:19:58 4 Q Okay. I'm going to show you the affidavit of -- of Nathan  
5 Foreman.

16:20:04 6 Let's just go to page 2 of page 3 of this document -- of  
7 these -- of this three-page document. And if you go down to  
8 the -- the fourth full paragraph, it says, "Beckcom wanted to  
9 get information about Prible so he could get his sentence  
10 reduced. That is the only reason Beckcom had for talking to  
11 Prible that I know of. Beckcom did not talk to me about going  
12 into business with Prible after prison."

16:20:41 13 Any reason -- is that correct?

16:20:44 14 A No.

16:20:46 15 Q What's false about that statement?

16:20:48 16 A This whole thing's false.

16:20:51 17 Q I didn't ask you about the whole thing. I asked you about  
18 that paragraph. Tell me what statement is false.

16:20:59 19 A We did talk about going into business with Prible after  
20 prison.

16:21:03 21 Q Okay. So you and Nathan Foreman were going to go into this  
22 asphalt business with Mr. Prible? That was your belief,  
23 correct?

16:21:11 24 A That was the pretense.

16:21:12 25 Q Okay. It was a pretense for what?

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**A** Information.

**Q** Okay. A pretense to get Mr. Prible to come forth with information about his case, correct?

**A** Correct.

**Q** Okay. Mr. Foreman says he did not have any experience with asphalt or any other type of --

**A** Neither did I.

**Q** -- pavement business. And neither did you?

**A** No. I mean, I'm aware of an industry, but that's about it.

**Q** And so you weren't generally -- yeah, okay. Fine.

So you weren't generally interested in that -- going into that business. That wasn't going to be your plan for post -- post release?

**A** I had some interest in it.

**Q** Okay.

**A** It was a conversation starter as well.

**Q** All right. Let's go up to the first full paragraph. Now, it says, "Other FCI inmates heard about Prible's case and talked about his case with each other. Rafael Dominguez did. So did Michael Beckcom and a couple of the other Mexican or Hispanic inmates. People talked about Prible's case and even joked about setting Prible up would get time cuts, how Prible was going to be a ticket out of jail. Michael Beckcom was part of these conversations and plans to set Prible up."

And you dispute this paragraph or any part of it?

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**A** I don't remember having group conversations with these people. My conversations were mostly with Foreman.

**Q** Okay. But you understand that that's what -- that there were people in that system that viewed Prible that way, as a ticket out of jail?

**A** Yeah. I see that.

**Q** Uh-huh. Is that -- do you dispute what Mr. Foreman says in that paragraph?

**A** No. I can't dispute it. I didn't --

**Q** Were you aware of it?

**A** I didn't hear these conversations.

**Q** Uh-huh. But nonetheless, you have a photograph with you and the individuals that Mr. Foreman has taken of that all surrounding Prible --

**A** That's correct.

**Q** -- taken on November 11th, 13 days before he supposedly confessed to you, correct?

**A** That's correct.

**THE COURT:** Can you stop the tape for a moment?

**MS. SCARDINO:** Yes, Your Honor.

*(Video paused.)*

**THE COURT:** How much -- how much more is on this?

**MS. SCARDINO:** Just about -- I think, about 15 minutes, probably.

**THE COURT:** Okay. Let's go ahead and finish this.

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1 I'll ask those who are here for our 4:30 hearing just to be  
2 patient. We'll get to it very quickly.

1 6 : 2 3 : 4 3 3 **MS. SCARDINO:** Okay.

1 6 : 2 3 : 4 3 4 *(Video Deposition of Michael Beckcom resumes playing.)*

1 6 : 2 3 : 4 5 5 **Q** Now, you claim that Mr. Prible told you that -- in your  
6 trial testimony, and I believe in your written statement, too,  
7 you -- that he searched the house for money. And both in your  
8 statement and in your trial testimony, you claim that -- that  
9 Prible told you that Herrera was trying to screw him out of a  
10 quarter of a million dollars.

1 6 : 2 4 : 2 7 11 **A** Yeah. I read that in my testimony, yes.

1 6 : 2 4 : 2 9 12 **Q** Okay. And in your -- in your written statement, as well,  
13 tracks that -- that? Is that your understanding?

1 6 : 2 4 : 3 5 14 **A** Yes. I wrote down what -- what he told me.

1 6 : 2 4 : 3 8 15 **Q** And so that is a large amount of money?

1 6 : 2 4 : 4 3 16 **A** Absolutely.

1 6 : 2 4 : 4 5 17 **Q** Right?

1 6 : 2 4 : 4 5 18 And someone in that -- if someone thought that was in a  
19 house, what would they do to that house?

1 6 : 2 4 : 5 3 20 **A** Ransack it, I suppose.

1 6 : 2 4 : 5 5 21 **Q** Correct.

1 6 : 2 4 : 5 8 22 In fact, if you thought that type of money was in a house,  
23 you would turn over every bloody mattress, every drawer,  
24 correct?

1 6 : 2 5 : 0 8 25 **A** You would think so.

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16:25:09 1 Q Uh-huh.

16:25:19 2 And you understand that that house was undisturbed other  
3 than fire damage?

16:25:24 4 A Other than set on fire?

16:25:27 5 Q Yes. So that indicates that Mr. Prible did not search that  
6 house, don't you think?

16:25:37 7 A That would indicate that.

16:25:50 8 Q I just want -- there's another article. It's 28F, another  
9 *Houston Chronicle* article dated July 7th.

16:26:04 10 So you were in the medium when this article came out?

16:26:07 11 A Yeah. I got moved over that day, I guess.

16:26:09 12 Q But, again, we have an article that lays out significant  
13 facts in the case, correct, when -- I'm talking about  
14 Exhibit 28F.

16:26:20 15 A Okay. 28F. Let me get back there again.

16:26:33 16 Yep. It mentions all the deceased.

16:26:37 17 Q The deceased, the DNA evidence, the amount of money that was  
18 found in the victim's pocket?

16:26:42 19 A That's correct.

16:26:47 20 Q So -- and the -- it mentioned the victims still have a  
21 course -- a close interest in this case and what happened, at  
22 least according to the article, correct, at the top?

16:27:03 23 A Okay.

16:27:07 24 Q So by this time, is there anything in your testimony that  
25 you can recall that wasn't in these articles in your testimony?

**Video Deposition of Michael Beckcom**

16:27:19 1 **A** I don't know specifically. No, not that I recall. I'm  
2 reading in its entirety and comparing it and cross-referencing  
3 it with this article.

16:27:26 4 **Q** Uh-huh.

16:27:27 5 **A** All I know is my testimony is based on what came out of Jeff  
6 Prible's mouth and I wrote down.

16:27:32 7 **Q** Uh-huh.

16:27:33 8 **A** I mean, if you're asking me to recant what I said, I didn't  
9 lie.

16:27:38 10 **Q** Uh-huh.

16:27:38 11 Do you have your testimony in front of you?

16:27:40 12 **A** Yes.

16:27:40 13 **Q** On line 15, Ms. Siegler asks, "What month was it that you  
14 first heard about this case and learned my name?" And you  
15 respond, "I didn't learn about your name until later, probably  
16 the end of September, early October of 2001. Prior to that, I  
17 had heard of the case just briefly, something about a guy coming  
18 from the low charged with murder. I didn't really get too much  
19 information on it, end quote.

16:28:02 20 Now, do you think, looking -- now that you've seen this  
21 July 7th, 2001, article, that that might have been the reason  
22 you knew that Mr. Prible was coming from -- was going to be  
23 transferred from the low?

16:28:14 24 **A** No. I would take that as being yard talk.

16:28:17 25 **Q** Just someone on the yard knew?

**Video Deposition of Michael Beckcom**

16:28:19 1 **A** Inmate rumor mill.

16:28:20 2 **Q** Okay. Someone on the yard knew that he was coming?

16:28:23 3 **A** Yeah.

16:28:23 4 **Q** And y'all were talking about it?

16:28:24 5 **A** Yeah.

16:28:24 6 **Q** But he wasn't quite there yet?

16:28:26 7 **A** No. Obviously not.

16:28:27 8 **Q** Okay.

16:28:30 9 Now, you read the Foreman affidavit, and he stated that

10 Jeff Prible did not confess in his presence.

16:28:49 11 **A** Yeah. I read that.

16:28:51 12 **Q** So -- and -- but you claimed at trial that Foreman was right

13 there.

16:28:57 14 **A** That's right.

16:28:58 15 **Q** Correct?

16:28:58 16 You -- and again --

16:29:00 17 **A** One of the guys even said he was trying to gather

18 information. So why would he be doing that if -- I mean, it

19 makes no sense. Why would he be trying to gather information

20 and then say, "I didn't get that information? No, that's not

21 true?" He either heard these things, or he didn't hear them.

22 So he can't have it both ways.

16:29:19 23 **Q** So -- that's correct. And he states he didn't hear them.

16:29:24 24 **A** Okay.

16:29:25 25 **Q** And not only did Mr. Foreman say he didn't hear Jeff

***Video Deposition of Michael Beckcom***

1 confess, neither did any of the other inmates that were --  
2 neither did Carl Walker.

16:29:34 3 **A** No, he didn't.

16:29:35 4 **Q** When Mr. Prible confessed to you, was Nathan Foreman  
5 present?

16:29:38 6 **A** Yes, he was.

16:29:39 7 *(Conclusion of video deposition.)*

16:29:45 8 **THE COURT:** Okay. We'll recess until tomorrow. Is  
9 9:00 o'clock convenient?

16:29:50 10 **MS. SCARDINO:** Yes, Your Honor.

16:29:51 11 **MS. MIRANDA:** Yes, Your Honor.

16:29:52 12 **THE COURT:** Okay. Thank you very much.

16:29:52 13 *(Evening recess taken at 4:29 p.m.)*

14 -o0o-

15 I certify that the foregoing is a correct transcript  
16 from the record of proceedings in the above matter.

17  
18 Date: June 5, 2019

19 */s/ Heather Alcaraz*  
20 Signature of Court Reporter

21  
22  
23  
24  
25



<p><b>MR. D'HEMECOURT:</b>  <b>[10]</b> 4/11 97/21 107/4  107/19 107/24 109/8 123/10  129/14 130/18 134/2  <b>MR. RYTTING:</b> <b>[22]</b> 4/7  33/9 33/12 33/16 36/17  47/16 61/22 77/22 77/25  78/9 88/23 89/15 89/21  89/25 90/14 116/25 122/14  122/18 122/21 130/21  131/15 133/25  <b>MS. MIRANDA:</b> <b>[42]</b> 4/9  4/15 5/2 5/8 5/10 5/12 5/18  6/2 7/17 21/20 24/2 24/13  24/16 24/19 25/1 25/5 25/14  25/17 25/21 25/24 26/3 26/6  29/4 29/12 29/25 31/10  31/14 32/5 34/14 36/9 36/19  36/22 45/5 58/1 60/6 78/12  78/19 84/6 84/8 88/9 88/20  256/10  <b>MS. SCARDINO:</b> <b>[40]</b> 4/5  6/14 6/20 6/23 7/5 7/7 7/10  7/12 7/18 7/20 7/23 8/9 8/12  10/11 10/13 13/6 14/4 16/1  17/12 20/6 20/9 20/12 20/14  21/18 33/17 36/14 134/5  134/8 184/23 185/3 185/6  211/1 240/1 240/4 240/6  240/8 251/19 251/22 252/2  256/9  <b>THE COURT:</b> <b>[163]</b> 4/1  4/8 4/12 4/21 5/6 5/9 5/11  5/16 5/24 6/6 6/19 6/21 7/3  7/6 7/9 7/11 7/15 7/19 7/22  8/7 8/10 10/10 10/12 15/24  17/11 20/5 20/7 20/11 20/13  21/17 21/19 24/1 24/10  24/15 24/18 24/25 25/3  25/11 25/16 25/19 25/22  26/1 26/5 29/1 29/9 29/19  31/6 31/12 32/4 33/7 33/11  33/14 33/21 34/2 34/15 36/1</p>	<p>36/15 36/20 36/24 38/12  38/17 40/24 41/2 45/11  45/15 47/1 47/4 47/18 58/3  58/8 58/13 59/2 60/11 64/15  64/18 64/23 72/16 74/22  74/25 75/2 75/8 77/20 77/23  78/2 78/4 78/11 78/13 78/18  78/20 82/23 84/5 84/7 86/4  88/10 88/21 89/16 89/19  89/22 90/3 90/7 90/11 92/24  93/1 95/23 96/5 97/22 99/19  99/25 100/5 102/16 102/25  103/6 103/10 103/15 106/7  106/11 106/16 106/19 107/5  107/22 108/2 108/6 108/10  108/13 109/11 109/20  109/22 115/8 115/12 115/18  116/3 117/14 119/10 122/12  122/16 122/22 122/24  123/11 125/21 125/24 126/2  128/18 129/15 130/19 131/7  131/13 131/19 131/22  131/24 134/1 134/3 134/7  134/10 184/21 184/25 185/5  210/21 210/23 251/18  251/21 251/24 256/7 256/11  <b>THE MARSHAL:</b> <b>[1]</b> 90/2  <b>THE REPORTER:</b> <b>[1]</b>  34/20  <b>THE WITNESS:</b> <b>[58]</b>  34/22 38/14 38/18 40/25  41/3 45/14 47/3 47/5 58/6  58/11 58/15 64/17 64/22  64/24 72/18 74/24 75/1 75/7  75/16 78/8 83/1 86/5 89/18  90/6 92/25 96/1 96/7 99/22  100/1 100/6 102/17 103/2  103/12 103/16 106/9 106/12  106/17 108/4 108/7 108/11  109/14 109/21 115/10  115/13 115/21 117/15  119/11 125/23 126/1 128/19  131/12 131/16 131/20  131/23 240/3 240/5 240/7</p>	<p>240/9  <b>UNIDENTIFIED</b>  <b>SPEAKER:</b> <b>[1]</b> 191/12  \$  <b>\$300,000</b> <b>[1]</b> 105/17  '  '<b>01</b> <b>[10]</b> 149/1 157/10  157/11 157/12 162/22  172/21 173/14 195/12  218/19 218/20  '<b>08</b> <b>[1]</b> 93/8  '<b>15</b> <b>[1]</b> 92/6  '<b>70s</b> <b>[1]</b> 174/25  '<b>99</b> <b>[5]</b> 11/11 143/7 167/5  177/24 178/3  '<b>cause</b> <b>[1]</b> 193/15  '<b>Jeff</b> <b>[1]</b> 74/4  -  <b>-o0o</b> <b>[1]</b> 256/14  .  <b>.38</b> <b>[1]</b> 55/9  /  /s <b>[1]</b> 256/19  <b>0</b>  <b>01</b> <b>[6]</b> 17/23 161/16 162/8  164/25 164/25 240/15  <b>1</b>  <b>10</b> <b>[3]</b> 113/14 145/3 240/12  <b>100 percent</b> <b>[2]</b> 102/10  108/20  <b>100,000</b> <b>[1]</b> 57/9  <b>109-7</b> <b>[1]</b> 163/15  <b>109-8</b> <b>[1]</b> 176/13  <b>10:00</b> <b>[1]</b> 1/6  <b>10:00 o'clock</b> <b>[1]</b> 62/5  <b>10th</b> <b>[14]</b> 16/20 16/24 146/2  160/20 161/18 162/16  162/22 163/20 164/10  164/22 168/12 176/3 194/8</p>
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<b>1</b>	143/18 144/5 <b>1:30</b> [1] 122/23 <b>1:33</b> [1] 122/24 <b>1st</b> [1] 10/1	<b>2019</b> [3] 1/10 3/3 256/18 <b>20th</b> [1] 160/18 <b>211</b> [1] 3/14 <b>22</b> [2] 229/21 232/22 <b>22nd</b> [2] 18/9 92/6 <b>24</b> [1] 118/12 <b>24th</b> [8] 17/8 17/10 17/14 71/2 71/24 226/12 226/17 244/21 <b>250,000</b> [1] 70/10 <b>250-5584</b> [1] 2/4 <b>25th</b> [3] 14/13 19/21 26/9 <b>26</b> [3] 92/17 93/10 93/15 <b>26th</b> [5] 16/21 162/6 226/2 226/10 226/17 <b>27</b> [6] 92/17 92/17 93/11 93/11 93/15 97/9 <b>28F</b> [3] 253/8 253/14 253/15 <b>28th</b> [2] 15/21 35/11 <b>29</b> [2] 1/10 3/3 <b>29th</b> [1] 15/9
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<b>4:29</b> [1] 256/13	<b>88</b> [1] 150/1	<b>acquaintances</b> [1] 95/3
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<b>515</b> [1] 2/3	<b>936-1400</b> [1] 1/23	<b>actively</b> [1] 99/18
<b>52</b> [3] 97/9 145/22 194/10	<b>95</b> [1] 102/9	<b>activities</b> [2] 112/1 133/14
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<b>55</b> [1] 148/12	<b>9:00 o'clock</b> [1] 256/9	<b>actually</b> [29] 7/13 40/15 70/13 82/6 85/24 109/19 113/17 113/18 116/10 126/6 129/23 135/24 139/12 143/5 152/18 160/21 165/6 165/14 170/12 182/9 184/17 187/5 197/22 218/12 221/21 230/18 234/12 240/22 241/13
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<b>yeah [185]</b> 11/25 12/7 12/13 12/15 12/21 13/1 13/12 13/15 14/2 14/4 37/19 40/3 40/11 43/1 43/4 44/7 44/12 47/6 47/23 48/19 54/11 54/14 57/16 58/16 58/16 64/24 71/18 71/22 73/5 74/11 76/8 77/6 77/10 83/12 88/3 88/9 89/10 98/5 99/5 100/2 101/14 108/15 113/22 113/24 116/16 121/24 122/2 131/14 139/2 143/4 143/13 143/13 145/1 145/21 145/21 148/15 152/6 154/2 154/6 157/12 160/3 160/24 161/14 162/2 164/6 165/2 165/3 165/7 165/7 165/18 166/2 166/8 166/15 166/15 166/17 166/17 167/1 167/23 172/19 173/10 173/23 175/10 175/13 175/14 175/14 176/12 176/16 177/2 177/11 177/11 178/20 178/25 178/25 179/7 179/7 179/23 180/24 182/18 182/20 182/20 184/7 184/19 188/10 190/5 197/24 202/12 204/24 206/8 210/11 211/13 211/19 213/5 213/9 213/22 214/7 215/3 216/9 216/17 217/1 217/4 217/6 217/12 217/16 219/9 219/10 220/18 220/21 220/25 221/7 221/10 221/17 221/25 222/1 222/17 223/7 223/12 223/19 223/20 224/4 224/7 224/11 224/12 224/18 224/19 224/19 225/2 225/18 227/9 227/16 227/18 227/18	<b>years [22]</b> 7/22 9/23 17/21 20/12 20/13 25/5 41/5 44/11 92/7 93/10 93/15 97/9 100/18 100/20 109/17 115/15 133/25 210/14 210/15 212/22 212/23 213/1	<b>Yes, he [1]</b> 39/12 <b>Yes, I [5]</b> 44/19 68/25 96/16 183/19 198/25
	<b>Yep [1]</b> 253/16	<b>yet [9]</b> 8/23 19/15 28/5 107/12 119/19 171/21 245/1 245/7 255/6
	<b>yes [219]</b> 4/16 6/24 6/24 7/4 7/5 7/23 8/10 10/14 16/2 23/8 24/19 25/25 30/9 33/10 33/17 33/22 34/9 34/11 34/23 35/4 35/16 37/7 37/7 37/16 37/23 38/5 38/11 39/1 39/8 39/14 39/21 40/1 42/8 43/1 43/10 43/16 43/18 44/2 45/5 45/5 46/8 46/11 46/23 48/3 48/6 48/9 48/9 48/15 50/4 50/6 50/8 50/10 54/6 54/9 55/17 56/5 61/2 61/5 61/8 62/12 63/12 66/1 68/17 68/23 69/13 70/17 74/19 78/6 78/9 78/13 79/2 79/8 80/3 80/16 81/8 81/13 82/8 85/9 86/17 88/11 88/24 89/5 89/7 89/12 89/22 90/8 90/20 91/5 91/7 91/10 91/18 91/22 92/8 92/10 93/1 93/5 93/18 95/15 96/2 96/13 98/25 99/12 100/15 101/2 101/6 101/17 101/19 101/21	<b>you [1583]</b> <b>you -- well [1]</b> 97/20 <b>you'd [10]</b> 117/15 137/4 193/15 193/21 205/2 207/12 207/23 224/3 224/14 227/19 <b>you'll [8]</b> 7/21 27/1 56/23



<b>Y</b>	70/22 70/23 72/14 74/25 77/22 78/10 78/13 78/15 79/23 79/24 82/10 84/15 84/16 85/3 85/21 85/25 86/4 86/15 86/21 86/21 86/24 87/8 87/15 88/10 88/21 88/24 90/3 90/8 90/9 90/15 90/21 90/21 90/24 91/13 92/7 92/19 93/12 97/6 97/6 97/8 97/22 98/6 99/23 103/13 104/2 104/5 104/10 104/20 107/5 108/16 108/25 109/9 111/21 114/8 115/6 115/10 115/13 117/3 118/7 122/13 122/16 122/22 123/11 123/20 126/9 129/15 130/22 131/5 131/8 132/17 133/7 133/17 134/6 134/15 136/23 143/24 143/24 147/24 148/5 152/15 153/3 156/18 160/23 176/3 176/6 180/5 184/15 184/24 185/4 185/11 185/18 185/19 187/1 187/14 191/19 191/24 191/24 192/1 192/7 193/17 196/21 197/22 198/6 198/7 199/12 199/15 199/17 201/19 202/11 203/12 204/6 207/1 207/14 209/15 209/23 210/4 210/9 210/16 210/24 211/2 211/20 214/8 214/17 215/5 215/12 216/1 216/18 219/19 221/1 223/2 226/4 226/11 228/23 232/7 232/23 235/7 235/7 235/14 235/18 235/22 236/2 237/10 238/3 238/7 239/10 239/24 240/9 242/16 243/1 243/16 245/9 246/4 246/6 246/9 248/3 248/7 248/17 249/22 250/12 251/20 252/5 252/6 252/7 252/8 252/12 252/12 252/13 253/24 253/25 254/11 254/15 256/10 256/11	<b>Your Honor [58]</b> 4/6 4/16 5/3 5/19 6/3 6/15 6/24 7/13 7/18 7/21 10/14 14/20 16/2 17/3 17/9 20/17 21/19 24/3 26/1 26/5 30/1 30/17 31/16 33/10 33/17 33/18 34/15 36/10 36/20 45/6 47/17 58/2 60/7 64/18 74/25 78/10 88/10 88/21 88/24 90/3 90/15 97/22 99/23 103/13 107/5 109/9 122/16 122/22 123/11 129/15 130/22 134/6 184/24 185/4 211/2 251/20 256/10 256/11 <b>Your Honor's [2]</b> 19/10 32/1 <b>yours [1]</b> 119/23 <b>yourself [19]</b> 8/11 34/8 85/16 90/19 97/14 97/15 102/12 116/9 132/20 154/13 183/15 194/12 194/21 223/2 226/7 229/1 229/10 232/8 234/3 <b>yourselves [2]</b> 6/23 228/20
<b>you'll... [5]</b> 60/21 132/14 177/5 182/1 215/2 <b>you're [67]</b> 24/17 32/5 33/16 37/11 40/21 40/23 41/20 42/6 53/18 56/7 56/18 58/14 59/22 74/2 76/21 89/18 91/6 92/9 101/20 111/19 114/14 114/14 123/10 125/22 133/7 133/8 133/10 134/19 134/24 137/20 139/2 139/20 141/13 160/18 162/15 169/5 172/25 173/1 173/2 180/4 191/22 191/22 192/3 194/1 197/7 202/10 206/3 214/24 214/25 217/11 220/1 224/1 224/1 224/8 224/8 224/9 225/9 225/10 225/14 230/17 237/7 240/22 241/4 248/14 248/14 248/25 254/8 <b>you've [14]</b> 45/12 50/11 92/7 138/20 145/24 146/12 156/24 158/2 169/21 169/24 193/5 205/25 237/6 254/20 <b>you-all [6]</b> 4/13 147/5 163/25 166/24 169/9 221/8 <b>young [2]</b> 85/7 85/8 <b>your [245]</b> 4/6 4/11 4/13 4/16 4/17 5/3 5/19 5/19 6/3 6/15 6/24 7/13 7/18 7/21 10/14 13/9 14/20 16/2 17/3 17/9 19/10 20/17 21/15 21/19 24/3 26/1 26/5 30/1 30/17 31/16 32/1 33/9 33/10 33/16 33/17 33/18 33/23 33/25 34/1 34/15 36/10 36/20 36/21 40/25 42/16 42/21 43/12 43/13 45/6 45/14 45/21 45/21 45/25 47/17 48/5 50/5 51/8 52/10 56/11 57/25 58/2 60/7 62/1 62/2 62/6 62/6 64/8 64/18 66/22 68/16 68/22 70/5		